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THE NEW HOME RULE POLICY

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With an Appendix

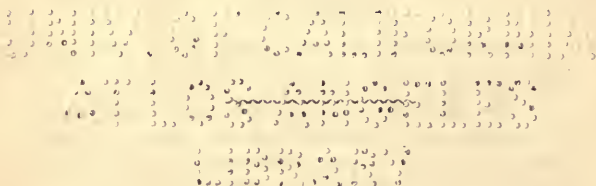
CONTAINING

THE HOME RULE BILL OF 1886

SECTIONS 25 TO 28 OF THE LAND PURCHASE BILL
OF 1886

AND

THE HOME RULE BILL OF 1893



DUBLIN

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THE NEW HOME RULE POLICY.

I.—THE NEW BILL AND THE OLD.

IT was to be expected that Mr. Gladstone's second Home Rule Bill, aiming as it did at the evasion of difficulties that had grown up largely inside the Gladstonian party itself, would be more elaborate and confusing than the measure of 1886. A study of the text of the Bill, even in the light of the Prime Minister's introductory speech, and the subsequent explanations of Mr. Bryce, Mr. Campbell-Bannerman, and Mr. Morley, confirms this anticipation. The newest version of the Home Rule policy is embodied in a measure of forty clauses, many of them divided into numerous sub-sections, and supplemented by seven schedules dealing with some of the most important practical questions. The Bill of 1886 consisted of forty-one clauses, and five schedules, the latter, however, being given in blank; but the provisions relating to the organization of the Receiver-General's Office, incorporated in the Land Purchase Bill, were an essential part of the plan.

Bills of 1886
and 1893.

We have, first of all, to remark that the new plan leaves practically untouched the main objections urged against the old one. The establishment of an Irish Legislature, consisting of the Sovereign—represented by the Lord Lieutenant—and two Houses, a Legislative

Similar in
their main
features.

Council and a Legislative Assembly, and of an Executive Government, administered by a Committee of the Irish Privy Council or Cabinet really nominated by the majority in the Lower Chamber, is, in the opinion of the Unionists, as formidable a danger both to the supremacy of the Imperial Parliament and to the rights of minorities in Ireland as the constitution contemplated by the original measure. Moreover, it is contended, the plan, in consequence of alterations which are in themselves worthless as safeguards, affords even less promise of relief and no greater prospect of finality than the Bill of 1886. Let us see what the changes are and what the working of the system will be.

Supremacy of
Imperial
Parliament.

The assertion in the preamble of the Bill that its object is to create an Irish Legislature "without impairing or restricting the supreme authority of Parliament" is substituted for the 37th clause of the former measure, which, according to Lord Thring's admission, was improperly drafted. It is a question whether or not statements in a preamble have, properly speaking, any legal value whatever. At any rate, the supremacy of the Imperial Parliament is not now placed higher than it was in 1886, when Mr. Bryce* and others maintained that the ultimate legislative authority of that body was not and could not be taken away by any statute. The theoretical supremacy thus reserved, limited by understandings creating, as both Mr. Sexton† and Mr. Redmond‡ have contended, and as Mr. Bryce has admitted,§ a moral obligation not to exercise it within a certain sphere, would be further checked by the power to be conferred on the Irish representatives at Westminster to prevent, by Parliamentary pressure, the resort to this remedy. The scope of the supremacy of Parliament is limited, we must also bear in mind, to

Limited to
legislation.

* *Hansard*, vol. 305, pp. 1218, 1219.

† *Times*, February 14, 1893.

‡ *Times*, February 15, 1893.

§ *Times*, February 15, 1893.

legislation. The whole domain of Executive action is excluded from it, and in that domain the nominees of the majority in the Legislative Assembly, a democratic body elected by voters, three-fourths of whom will be rate-payers assessed at less than £6 or £7 a-year, will be uncontrolled masters.

The Executive Government is vested nominally in the Lord Lieutenant, but upon the principles of the British Constitution, it will, of course fall, as in this country, and in all our self-governing colonies, into the hands of a Cabinet, supported by a majority in the Legislature, and this is rendered still more indisputable by the change in the Viceroy's *status*. He is for the future to be like a colonial Governor, a non-political officer appointed for a term of six years, but subject to previous recall by the Crown—that is, by the Imperial Ministers—a point of some importance, in view of the position of the Irish Members at Westminster. He may also be a Roman Catholic, a provision to which no exception can be taken in principle, but which will not tend to allay the apprehensions rightly or wrongly entertained as to the character of the new Executive by the Protestant minority in Ulster and elsewhere. It was inferred, from the speeches of Mr. Gladstone and Mr. Bryce, that some remarkable concession had been made with respect to the Lord Lieutenant's right to veto Bills. A comparison of the clauses in the earlier and later measures does not bear out this view. The present Bill says: "The Lord Lieutenant shall, on the advice of the said Executive Council (*i.e.* the Irish Ministry), give or withhold the assent of Her Majesty to Bills passed by the two Houses of the Irish Legislature, subject, nevertheless, to any instructions given by Her Majesty in respect to any such Bill," and it has been explained on the part of the Government that such instructions will be imposed on the Viceroy by the

Office of Lord
Lieutenant.

The veto.

Opinions of
Lord Thring
and Sir C.
Russell.

Imperial Ministry where it is deemed right to interfere with the dealings of the Irish Legislature with Irish affairs. But it must be remembered that though a similar saving "subject to any instructions which may from time to time be given by Her Majesty," was inserted in the veto clause of the Bill of 1886, Lord Thring, the draftsman of the measure,* and Sir Charles Russell,† the principal law adviser of the Government, were distinctly of opinion that, except in regard to the questions reserved for the Imperial Parliament, the veto was "to be exercised constitutionally by the Lord Lieutenant on the advice of his Irish Ministers." It is possible, therefore, that a question may hereafter arise as to the soundness of the view taken by Mr. Gladstone and his colleagues, even if the Irish Nationalists should not succeed, as they warn us they will try to do, in making this safeguard nugatory by the exercise of their influence at Westminster.

Legislative
power—
restrictions.

Imperial
matters.

Controversial
matters.

From the Executive we pass to the Legislative power, and, first of all, we must look at the subjects with which the Irish Parliament is prohibited from dealing. These are divided into two categories—the one including properly Imperial matters, which, though every nation—and Ireland, the Gladstonians assure us, is a nation—would have them within its own control, might be given up by a province or a colony to a supreme central authority; the other including matters which, as Mr. Bryce has acknowledged, are properly Irish, if Ireland is to have separate treatment, but are "of so controversial and delicate a character as to be apt to raise internal controversy and to provoke measures that might savour of injustice."‡ The former list (Clause 3) is, except for some verbal alterations, the same as that inserted in the Bill of 1886, embracing

* *Contemporary Review*, August, 1887, p. 163.

† *Hansard*, vol. 306, p. 59.

‡ *Times*, February 15, 1893.

all questions connected with the Crown, the Army and Navy, peace and war, treaties and foreign relations, the regulation of external trade, coinage, and so forth. We may note in passing that the Irish Government, in case of difficulties with Ulster, would have no power to raise and equip a force for the purpose of imposing its will on those organizing either passive or active resistance, and that this task would be left to be performed by the Imperial troops, upon the responsibility of the Imperial Government. The second list of subjects reserved (Clause 4) embraces, as in 1886, questions connected with the endowment or establishment of religion, the imposition of disabilities, the abrogation of the rights of schools or charities, and the interference with a conscience clause. A provision in the Bill of 1886 for the protection of the rights and property of corporations—such, for instance, as Trinity College, Dublin, with respect to which Lord Randolph Churchill* failed to extract any explanation from the Government the other day—now contains the additional words, “without due process of law,” under which it would seem to be possible, after the law had been duly manipulated, to deal with such corporations without an address to the Crown. A further provision, applying to persons, referred to by Mr. Gladstone, in his introductory speech, as a safeguard borrowed from one of the late additions to the Constitution of the United States, prohibits measures “whereby any person may be deprived of life, liberty, or property without due process of law, or may be denied the equal protection of the laws, or whereby private property may be taken without due compensation.” This is taken—and not improved in the taking—from the 14th Amendment proposed in Congress in June, 1866, and intended for the

Imperial
troops should
coerce Ulster.

Property of
Corporations—
Trinity Col-
lege.

A borrowed
safeguard.

* *Times*, February 18, 1893.

Intended
to protect
Southern
negroes.

British
fishermen
protected.

Constitution
of the Legis-
lature.

A "Council"
and an "As-
sembly" in-
stead of two
"orders."

protection of the negro freedmen in the South;* an object which, according to the best accounts, has been very imperfectly attained where the Executive administration does not favour it, and where "due process of law" is in the hands of magistrates nominated and controlled by the dominant class. The one element of novelty in the list is a highly characteristic example of the spirit of suspicion which, in regard to everything else except the interests of the Irish Loyalists, pervades this remarkable Bill. The Irish Legislature will not be allowed to make any law "whereby any inhabitant of the United Kingdom may be deprived of equal rights as respects public sea fisheries"—a restriction imposed to protect the Cornish, Manx, and Scottish fishermen who now frequent the Irish coasts, in search of herring, pilchard, and mackerel, from the jealousy with which they are notoriously regarded by the natives.

Subject to the foregoing limitations, the proposed Irish Legislature is to have unrestricted power to "make laws for the peace, order, and good government of Ireland in respect of matters relating to Ireland or some part thereof," and, of course, incidentally to nominate the Lord Lieutenant's Executive Ministry. The Legislature is to consist of a Council and an Assembly on the colonial model, instead of "two orders," deliberating in a single Chamber, but with separate voting power, as contemplated in 1886. As a security for the rights of minorities, and especially of the landowners whom it was necessary, as Mr. Morley said seven years ago,† to protect against spoliation by the majority, the new system is even more worthless than the old, ineffective as that was generally recognized to be. In 1886 the first order was to consist of 28 Irish representative

* See Story's *Commentories on the Constitution*, vol. ii. (4th edition), chap. 47 (by the Editor, Mr. T. M. Corley).

† *Times*, January 8, 1886.

peers, who might be reckoned upon to resist schemes of public plunder, and 75 elected members, with a high property qualification, sitting for ten years, and elected by ratepayers above £25 annual valuation. However, whatever conservative elements were thus secured were liable to be overridden in case of a disagreement by the permanent majority of the second order, 204 in number, elected by the small occupiers. But the proposed Legislative Council will be weaker than the first order, containing no permanent representation like the peerage members, and consisting of Councillors elected by ratepayers above a valuation line reduced from £25 annual value to £20. Even if the minority could reckon on the support of all these Councillors, they would still be liable to be outvoted by the majority in the Assembly, which, being chosen by an unrestricted occupancy vote in the same constituencies as those which at present return 80 Nationalists against 23 Unionists, would contain no appreciable representation of property. This result is secured by providing that when the Chambers disagree, the question may be submitted again, either after a dissolution of the Assembly or after the lapse of two years to both Chambers sitting and voting together. The majority in the Assembly of 103 must always overpower the representatives of property among the 48 Councillors. Indeed, so far from the latter having a preponderance in the Council, it is not probable the landlords would have more than a handful of representatives on that body, as the majority of the constituency would be the ratepayers between £20 and £35 or thereabouts, that is the middling farmers who have been the leaders in the agrarian agitation. Even in Ulster, when the question of Home Rule had disappeared, it is unlikely that the representatives of this class of occupiers would be very careful of the rights of owners. We must add that at the end of six years it is provided that the Irish Legisla-

In case of
disagreement.

Power to
gerrymander
the consti-
tuencies.

Represen-
tation at
Westminster
for limited
purposes.

ture may alter electoral qualifications and distribution, and, in fact, may gerrymander the constituencies at pleasure, so as to get rid of any remnant of an independent opposition.

We now come to that part of the Bill which is wholly new—the representation of Ireland at Westminster. We shall examine by-and-by the far-reaching consequences of this change, but here we have only to give a brief account of the provisions by which it is effected. Eighty members from Ireland, elected by constituencies differing from the present ones, inasmuch as voting is not to be by single-member divisions, but, so to speak, by *scrutin de liste*, without cumulative voting, or any other form of minority representation, are to sit in future in the Imperial House of Commons for certain limited purposes. Neither such members nor the Irish representative peers, are to vote or deliberate in the Imperial Parliament upon—“(a) Any Bill or motion in relation thereto the operation of which Bill or motion is confined to Great Britain, or some part thereof; or (b) any motion or resolution relating solely to some tax not raised or to be raised in Ireland; or (c) any vote or appropriation of money made exclusively for some service not mentioned in the third schedule to this Act [*i.e.* that which enumerates the heads of Imperial liability, expenditure, and miscellaneous revenue]; or (d) any motion or resolution exclusively affecting Great Britain, or some part thereof, or some local authority, or some person or thing therein; or (e) any motion or resolution incidental to any such motion or resolution, as either is last mentioned, or relates solely to some tax not raised or to be raised in Ireland, or incidental to any such vote or appropriation of money as aforesaid.” Attempts to infringe this new rule, which is supposed to accomplish that which, according to Mr. Gladstone, “passed the wit of man,” are to be controlled “in each House in manner

provided by the House," or, practically, it is understood, by the authority of the Chair. The recasting of the Irish constituencies abolishes the representation of Dublin University, which, however, is to send two members to the Assembly in Ireland, lops one member off each of the large counties—two in the case of Cork—and off some of the smaller counties, and leaves the borough representation unchanged. The voting for three or two members in most constituencies, without provision for the representation of the minority, is, perhaps, intended to swamp the present Unionist vote in parts of counties like Dublin and Tyrone where the Nationalist vote predominates in other parts. But there is further very grave reason to complain of the whole scheme of redistribution embodied in the second schedule. Mr. Gladstone proposes to reduce the number of Irish members in the House of Commons from 103 to 80, in accordance with the principle, which we trust will not be forgotten when the question of "one man one vote" comes up, that in the distribution of representatives, to quote the language of Clause 7, "due regard is had to the population of the constituencies." But this principle appears to be entirely cast aside as between the different parts of Ireland, to the serious injury of those progressive and prosperous districts in which the loyalist element is strong. Let us take the county representation of the north-eastern corner of Ireland, the Ulster of the Plantation, and compare it with the county representation of the north-western corner.

The six counties—Antrim, Down, Armagh, Tyrone, Fermanagh, and Londonderry—have an aggregate population of 1,236,000, with 162,000 registered county electors, and are represented by 19 members, of whom 14 are Unionists. The six counties—Galway, Mayo, Donegal, Leitrim, Sligo, and Roscommon—have an aggregate population of 910,000, with 138,000 registered

Swamping
the Unionist
vote.

(1) By amalgamating
constituencies.

(2) By unfair
County representation.

(3) By unfair
Borough re-
presentation.

county electors, and are represented by 18 members, all of whom are Nationalists. Will it be believed that Mr. Gladstone proposes to take away five members from the former group, reducing its total representation to 14, and three only from the latter group, leaving them 15 members? The borough representation is not less scandalously unequal. Belfast and Londonderry have between them over 41,000 registered electors, with 5 members. Cork, Limerick, Waterford, Galway, Newry, and Kilkenny have under 25,000 electors, with 7 members, and this disproportion is left untouched in a measure which pretends to redress inequalities.

The new
financial ar-
rangements.

The Irish representation at Westminster has a direct influence on the financial part of Mr. Gladstone's scheme, which we reserve for separate examination, observing only that the control over Irish taxation by the Receiver-General's Office, as contemplated in 1886, disappears; that it is proposed to accept the net proceeds of the Irish Customs, estimated at £2,370,000, as Ireland's contribution to Imperial liabilities and expenditure, which Mr. Gladstone placed, seven years ago, on what he termed an equitable and even generous estimate, at over £3,600,000; that the collection of the Excise is to be left in Irish hands; that a method is promised, though not explained, by which the Excise duties on spirits and beer consumed in Great Britain will not be allowed to go into the Irish Exchequer; and that Ireland is to be under an obligation to pay to the Imperial Government any sums that may become due under the Land Purchase Acts, as well as two-thirds (one million sterling at the outset) of the cost of the Royal Irish Constabulary and the Dublin Metropolitan Police, until those bodies, which will remain provisionally under the Imperial control, are replaced by local forces. The Irish Nationalist members dispute Mr. Gladstone's contention that these arrangements will give

Ireland a surplus of half a million a-year to start with, while British Unionists are unable to see any guarantee that the land purchase or constabulary charges which lie outside of the security of the customs will be recoverable on behalf of the Imperial Exchequer in case the Irish Government should refuse to meet them.

The provisions relating to the separate constitution of the Exchequer Judges in Ireland as a Court of Revenue Pleas, and of the Judicial Committee of the Privy Council as a tribunal of appeal in constitutional cases, and especially of action *ultra vires* by the Irish Legislature, do not differ materially from those to be found in the Bill of 1886. There is no more explanation now than there was then of the manner in which the decrees of either tribunal are to be enforced in the face of a reluctant local Executive. We may note the extinction of the appellate jurisdiction of the House of Lords, which the Bill of 1886 left untouched, except in constitutional cases, but which is now absolutely transferred to the Judicial Committee, thus placing Ireland more definitely in the position of a colony. The clauses bearing generally upon the rights of Judges and civil servants also remain nearly the same as those in the earlier scheme. The plan for the extinction of the constabulary is not substantially different, though it presents some very peculiar features. Until they cease to exist the constabulary and the Dublin police remain under the control of the Lord Lieutenant, as representing the Imperial Government, and are to be paid out of the Imperial Exchequer; but when the Irish Ministry certify that a local force has been organized in any county or borough, the Lord Lieutenant is empowered to withdraw the constabulary and *pro tanto* to disband it, unless, during the first six years, he should report to the Imperial Government that it is inexpedient to do so. While, however, the force is thus apparently regarded as

Judicial arrangements.

Appeal to House of Lords abolished.

Extinction of the Constabulary.

the public security for order, at least till something has been put in its place, it is expressly provided that henceforward no vacancies created shall be filled up in the ranks of this indispensable body.

Appointment
of Judges.

The provisional arrangements with respect to the constabulary do not constitute the only delicate question that is held over by the Bill to trouble future Parliaments. For six years, after the establishment of Home Rule, the Judges of the Superior Courts in Ireland are to be nominated by the Imperial Government, except the two Exchequer Judges, who will always be appointed under the Great Seal of the United Kingdom. A temporary reservation of a more extraordinary kind is that of the agrarian question. For three years the Irish Legislature is prohibited from passing any measure respecting the relations between landlord and tenant, or the sale, purchase, or letting of land generally. Yet no pledge has been extracted from Mr. Gladstone that he will proceed in the interval to deal with the problem, which, as he has often declared, lies at the root of the Irish difficulty, by Imperial legislation. It is perhaps believed that after three years of Home Rule there will be no land question to settle, inasmuch as the landlords will have disappeared.

The Land
Question.

II.—THE "IN AND OUT" PLAN AND ITS CONSEQUENCES.

By far the most important change in the proposals of 1886 is the representation of the Irish at Westminster, which destroys the colonial analogy without making any approach to, or provision for, a federal system, and which at the same time cuts away the very basis of our Parliamentary Government. Though Mr. Gladstone denied that the retention of the Irish Members was a principle of the new Bill, describing it, in the curious jargon he affects, as "an organic detail,"* he gave the subject great prominence, and he left his hearers in a state of complete mystification. He produced the principal arguments in favour of each of the three alternatives that have been so much discussed, the "out" scheme, the "in" scheme, and the "in and out" scheme, and, while pronouncing in favour of the last, which he had declared seven years ago to involve a task "passing the wit of man," he threw out a remarkable hint that "a shadow of uncertainty" still hung over the question, and that the provisional nature of the project was indicated in the initial words of the clause, "unless and until Parliament otherwise determines." In Mr. Gladstone's opinion, apparently, this "organic detail" may be thrust into the heart of his policy and pulled out at will, without seriously affecting the working either of Irish Home Rule or of the British Constitution. Yet it is clear that it must vitally affect the development of both. The presence or absence of Irish Members at Westminster

"An organic detail."

* *Times*, February 14, 1893.

must largely determine the practical value of the so-called "safeguards," whether for the Imperial supremacy or for the rights of the minority, as well as the moral validity of the financial arrangements. Upon the solution of that question, too, depends the future of the House of Commons and of the method of government by Cabinets resting on the support of Parliamentary majorities, which has grown up slowly in this country, which is embodied in no statute, and which, if once subverted, it would be difficult to restore.

Mr. Gladstone's arguments in 1886 against the "In and Out" Scheme.

The precise plan which Mr. Gladstone has now adopted for the partial introduction of Irish representatives into the proceedings of the Imperial Parliament is that against which he argued most forcibly both in 1886 and in his speech on the 13th inst. On the introduction of the first Home Rule Bill, when he came to the conclusion that "Irish members and Irish peers could not, if a domestic Legislature were given to Ireland, justly retain a seat in the Parliament at Westminster,"* he stated very clearly the practical, and, so to say, the mechanical, difficulties of the "in and out" scheme, assuming it to be possible to divide legislative business into two categories, absolutely exclusive of one another, the House of Commons, Mr. Gladstone pointed out, "is not merely a legislative House; it is a House controlling the Executive; and when you come to the control of the Executive, then your distinction between Imperial subjects and non-Imperial subjects totally breaks down and is totally insufficient to cover the whole case."† "Even if it were possible," he said, "to divide the subjects, what an anomaly it would be, what a mutilation of all our ideas about the absolute equality of members in this House, were we to have ordinarily among us two classes of members, one of them qualified to vote

* *Hansard*, vol. 304, p. 1057.

† *Hansard*, vol. 304, p. 1056.

on all kinds of business, and another qualified only to vote here and there on particular kinds of business, and obliged to submit to some criterion or other—say the authority of the Chair—novel for such a purpose and difficult to exercise, in order to determine what kinds of business they could vote upon and what kinds of business they must abstain from voting upon.”* With more diffuseness, but with not less clearness, Mr. Gladstone reiterated this latter argument in the very speech in which he proposed the adoption of the plan, supplementing it by other considerations. He showed, at the same time, that the presence of the Irish members taking part for all purposes in the proceedings of the Imperial Parliament, while Irish affairs were reserved for treatment in Dublin, would be not only a dangerous instrument of Parliamentary intrigue, but an anomaly and an injustice which “plain, unlettered Englishmen” could not be brought to understand or to endure.†

The exclusion scheme of the Bill of 1886, on which Mr. Gladstone and Mr. Morley then founded their anticipations of Parliamentary relief and Irish contentment, is now abandoned, ostensibly on the grounds that it would part with a visible sign of Imperial supremacy, and that, unless there are to be different “trade laws” for the two islands, Ireland must claim a share in the settlement of British Budgets. But these reasons were ignored or set aside seven years ago, until it was thought necessary to make concessions to wavering supporters. Another reason, not avowed by Mr. Gladstone, is to be found in Mr. Parnell’s manifesto after his excommunication by the Gladstonians, when he declared that, so long as the Imperial Parliament retained any power over Irish questions, “it would be the height of madness for any Irish leader to

Ostensible reason for change.

Another reason.

* *Hansard*, vol. 304, p. 1060.

† *Times*, February 14, 1893.

Explained by
Mr. Sexton
and Mr. Red-
mond.

Safeguards
to remain
"dormant."

Power of
Nationalist
Members at
Westminster.

Mr. Morley's
argument,
1886.

imitate Grattan's example and consent to disband the army which had cleared the way to victory."* The practical meaning of this was sufficiently explained in the speeches of Mr. Sexton and Mr. Redmond on the introduction of the present Bill. The Irish Separatists are willing, formally and in theory, to recognize the Imperial supremacy, the veto power and other safeguards, but on condition that the provisions embodying them remain, as Mr. Redmond insists, "dormant."† If such powers are put in force by the Imperial Government, the Irish members at Westminster will make their strength felt. Mr. Sexton's scarcely-veiled threat opens up a long vista of that very Parliamentary intrigue which the Prime Minister has spoken of with grave apprehension. If 60 or 70 Irish Nationalists set themselves, after a Home Rule constitution has been launched, to barter their Parliamentary support for assistance in obstructing every assertion of the right of Imperial interference and the enforcement of every Imperial claim, pecuniary or other, what will be left, in practice, either of the safeguards of this make-shift measure or of its financial framework? Intrigue with one party, friction with another, would be the certain consequences of the plan proposed, unless the Imperial Parliament and the people of Great Britain were prepared to acquiesce in the nullification of every portion of the Bill except the concession of legislative powers, practically uncontrolled, to the Legislature in Dublin, and of absolute executive authority to the nominees of that body. In 1886 Mr. Morley contended‡ with much force that the endeavour to combine a "real and effective" veto with the presence of an Irish contingent at Westminster would perpetuate "all the present irritation and exasperation," and

* *Times*, November 29, 1890.

† *Nineteenth Century*, October, 1892, p. 515.

‡ *Nineteenth Century*, February, 1887, p. 306.

declared that he could not see how "an arrangement of that sort promised well either for the condition of Ireland or for our Parliament." No doubt he finds the means of reconciliation in the unacknowledged admission that neither the veto nor any other form of restraint on the unfettered action of the Irish Legislature will be "real and effective."

But, grave as are the consequences of the retention of the Irish members, under the conditions proposed, in relation to the position of the new Irish Legislature, they are still more serious in their bearing upon the future of the Imperial Government. Mr. Gladstone has shown an extraordinary sensitiveness to the charge that his Home Rule policy involved the repeal of the Union. Whether or not such a structural and organic change as has been proposed in the composition and character of the Imperial Parliament dissolves, in law or in fact, the Union of which that Parliament is the seat and the symbol, is an academic question about which there may be endless differences of opinion. It cannot be disputed that the transformation of the Imperial Parliament into an Assembly changing its composition from day to day, perhaps from hour to hour, goes far deeper than the mere abandonment of legislative authority over a province. The historic Parliament of England reached the maturity of its greatness before the union with either Scotland or Ireland. It would retain the characteristics it has never lost, among the successive phases of franchise and representation, even though Scotland or Ireland were parted from us by revolt or conquest. But Mr. Gladstone's "in and out" scheme would wholly destroy the continuity of our Parliamentary history. It would at a stroke make the Parliament at Westminster different, not in degree, but in kind, from any of those that have preceded it for many centuries, and from any legislative body that has ever been established in any

Effect of the "In and Out" Scheme on Cabinet Government.

Would change composition of Parliament daily.

Would destroy continuity of Parliamentary history.

constitutional country. It is amazing that Mr. Gladstone, fully alive as he is to the practical inconveniences of the scheme, should be unconscious, as he seems to be, of the enormous risks he is running in tampering with the conditions which make Cabinet government possible. No one knows better than he how delicate an organism Cabinet government is, and how rare, as Bagehot has conclusively shown, are its "pre-requisites."* It has never been naturalized in the United States: it has not yet been acclimatized in Germany; its existence in France is imperilled by the multiplication of Parliamentary groups and the precarious power of short-lived Ministries; it is maintained nominally in other States by the strong hand of executive authority. In England alone we have had hitherto a substantially continuous Legislature, "willing to elect and willing to maintain an efficient Executive,"† with parties fairly balanced, the one ready to accept the responsibilities of office when the other fails, and under these conditions Cabinet government has been so conspicuously successful that no statesman of any reputation has proposed to change it for any other.

These conditions have, no doubt, suffered from the cleavage in the party system created by the independent action of sectional groups—a movement stimulated by Mr. Gladstone's particularist policy, and especially by the loose and reckless language he has used in advocating it. But the party system is still a working system. Cabinet government rests upon the assumption that, for a reasonable time at least, the Ministers in office can depend upon the support of a stable majority in the House of Commons. Under the proposed "in and out" plan there can be no stable majority. Two majorities will always be in existence side by side. On all Imperial questions—

Would make
a stable
majority
impossible.

* *The English Constitution*, 2nd ed., pp. 254-271.

† Bagehot, as above.

those enumerated in the third Schedule of the Bill—and, of course, on Irish questions, should Parliament exercise its reserved power of legislating upon them, the eighty Irish members will have a right to speak and vote. But on all other questions they will be precluded from speaking and voting. If, in dealing with the former, they constitute a considerable fraction of the majority supporting Ministers, that majority will cease to exist when the House of Commons passes to the latter. A Government may be challenged on some vital question connected with the Army or the Navy, or with foreign affairs, or with Imperial taxation, and may be victorious, thanks to the votes of the Irish members. On the very next day the same Government may be outvoted—the Irish members having withdrawn under Clause 9—on some equally vital matter unquestionably relating to Great Britain, a Bill, for example, dealing with local government, or with education, or with the liquor traffic, or with the Church. And, if we rightly understand Mr. Gladstone's language, though the Bill is not quite clear on this point, the same Government may immediately regain its majority on a subsequent division by changing the issue to a direct vote of confidence.

How it would work in practice.

In this shifting scene how are we to apply the accumulated precedents by which the working of Cabinet Government is at present regulated? The same Ministers will be in a minority or in a majority according to the business on the notice-paper. "Is it not quite clear," as Lord Hartington said at Stirling in 1889,* "that if you have two majorities you must also have two Governments? You must have one Government for Imperial purposes, which will possess the confidence of Parliament when it is whole and complete, including the Irish members, and you must have another Government for purposes of internal policy, which will

Lord Hartington on "Two Governments."

* *Times*, October 5, 1889.

Federation not
wanted.

possess the confidence of the English, Scotch, and Welsh members, who alone will have anything to do with international affairs." To carry out this policy in its entirety is just what the Ministry do not propose, for they know that there is at present no real desire on the part of any section of the people of the United Kingdom to become involved in the complexities of federalism, whatever might be the case after they had passed through some years' experience of the intolerable scheme now before Parliament.

Federal-Colonial-Imperial
Scheme.

Whatever Mr. Gladstone's Bill is, it is not a federal plan, though it borrows some of the phrases of the federalists, and its supporters cover their difficulties by cheering any demonstration that the logical conclusion from their leader's doctrines leads to a federation. This "mongrel," this "bastard," measure, to borrow the emphatic epithets of the Duke of Devonshire and of Mr. Balfour,* combines parts both of the federal and of the colonial system with the existing framework of the Imperial Government. The result is that it is unlike any of the three and, indeed, unlike any other form of polity that has ever existed.

"In and Out"
Scheme must
lead to com-
plete deadlock.

The "in and out" plan apparently evades the enormities which, as even Mr. Gladstone perceives, would shock the common-sense of Englishmen. It does not, in form at least, allow the Irish to have the absolute control of their own affairs and, at the same time, the right to hold the balance in the control of our affairs. But it will inevitably produce absurdities hardly less flagrant and not at all less mischievous. Suppose the Government remains in power, supported by the majority which includes the Irish, but opposed by the majority which excludes them; Imperial affairs can be administered, of course; but what of the affairs of England, Wales, and Scotland? There must be a complete deadlock. The Ministers who have

* *Times*, February 15, 1893.

the support of the Imperial majority will be unable to carry a single legislative measure applying to Great Britain, and will be liable to have every one of their administrative acts censured and repudiated by the British majority. On the other hand, the politicians in whom the people of Great Britain would be willing to repose confidence, and who could really govern this country, would be permanently exiled from office by the votes of the Irish. We are quite certain that such a preposterous state of things would not be tolerated, however convenient it might be to the minority in Great Britain, and that is one of the reasons why we are convinced that the passing of Mr. Gladstone's Bill, instead of closing a constitutional controversy, would open up a far more serious and difficult one.

And open serious constitutional difficulties.

It may be added that the interpretation of the restrictive clause in its bearing upon the everyday business of Parliament must lead to perpetual disputes and an enormous waste of public time. Until a series of decisions from the Chair have been recorded on the subject, there will be no body of Parliamentary law to which to appeal. The cases that will arise will be entirely new, and will fall under no existing precedents. Ultimately, of course, nearly all questions would be settled; but for a time the Irish members, in pursuance of the aims disclosed by Mr. Sexton, and with the sympathy of the British minority, who would be glad to secure the aid of the Irish vote for their sectional designs, would attempt to strengthen their "unique position"* by endeavouring to extend the scope of the new rule. There is room enough for divergence of interpretation in matters of detail, and we are unable to see how discussions on such points, whenever the Irish chose to raise them, could be suppressed. It is expressly contemplated that, even though a Bill or motion dis-

Effect on business of Parliament.

* Mr. Sexton's expression. See *Times*, February 14, 1893.

Motion to
extend a Bill
to Ireland.

tinently applies to Great Britain only, the discussion upon it may be brought within the purview of the Irish members by a motion—whether seriously meant or not—that it should apply to Ireland. No such permission is needed to enable the Irish members to annoy a hostile Ministry, or to put pressure on a friendly, but not absolutely plastic, one, by bringing forward a motion for the adjournment of the House on a matter of urgent public importance, which any 40 members rising in their places can claim to do. The ingenuity of those who learned the art of obstruction in the school of Mr. Parnell has enabled the Irish party again and again to break through more substantial barriers than those of the ninth clause of the Bill, and the motives for making the effort under the new system cannot escape notice. If it were possible to conceive that the ridiculous plan proposed could ever be set to work, some results at least are indisputable. It would increase dilatory and obstructive discussion instead of diminishing it, would do nothing to relieve Parliament from the pressure of the Irish question, and would shatter the authority by which the efforts of the Irish Separatists to degrade and to destroy the British Constitution have been hitherto defeated. It is not surprising that even some Gladstonians, such as Mr. Reid, Q.C.,* should contemplate with undisguised alarm a policy which might very conceivably result in the transfer of the central power in the State from the House of Commons to some other part of the constitutional system.

Alarm of Mr.
Reid, Q.C.

* *Contemporary Review*, April 1892, pp. 485, 486.

III.—SAVINGS AND SAFEGUARDS.

ONE of the most significant and characteristic features in Mr. Gladstone's speech on the introduction of the present Home Rule Bill was the unimportant place which he gave to the arguments in favour of what we may call "savings and safeguards." In this respect he has departed widely from the course he adopted in 1886, when he proposed to settle the land question concurrently with the establishment of an Irish Legislature, on the ground, clearly stated by Mr. Morley a few weeks before in his speech at Chelmsford,* that "we should not be able to deal satisfactorily with Ireland until we had passed some legislation to prevent tenants from robbing their landlords." At that time, too, Mr. Gladstone spoke with respect of the apprehensions and the representations of the Protestants of Ulster, expressing an opinion that "that wealthy, energetic, and intelligent portion of the Irish community" ought to have "its wishes considered to the utmost practicable extent in any form which they may assume."† But in his recent speech, as has been already noticed, he did not say a single word about the land until his attention was called to this strange omission by Sir Edward Clarke in the course of his reply, when the Prime Minister interjected the remark that there was a clause withdrawing the subject from the Irish Legislature for a term of three years. On the same occasion, Mr. Gladstone's solitary reference to the case of Ulster, though the organized protest of the whole Protestant population of

Mr. Morley
on the Land
Question in
1886.

Mr. Gladstone
on Ulster in
1886

and in 1893.

* *Times*, January 8, 1886. † *Hansard*, vol. 304, pp. 1053, 1054.

Mr. Bryce on
Ulster.

Ineffective
saving Clauses.

Practice not in
accord with
precept.

that province had been more emphatically recorded within the last few months than even in 1886, was the grotesque complaint that Ulstermen had retrograded, because a century ago, before any of the reforms that have long been law had come within the sphere of practical politics, they supported the modest demand of the Roman Catholics for equal civil rights, whereas they are now unwilling to be placed at the mercy of a Government which will be under the control of a hierarchy and priesthood of avowedly intolerant principles.* Mr. Bryce's insulting dismissal of the Ulster protest as "bluster"† is another indication of the soreness of feeling which, no doubt, explains the Prime Minister's change of tone. Seven years ago it was believed that the Irish loyalists might be cajoled into accepting Home Rule at Mr. Gladstone's hands. That hope has now been cast aside. The landlords and the Ulstermen, not to speak of the scattered loyalist minority throughout the three southern provinces, are told in substance that they are to be thrown to the wolves, without further comment from Mr. Gladstone than "Serve them right." Mr. Gladstone's Bill bristles, notwithstanding, with savings and safeguards for the consolation of those hesitating followers of the Home Rule banner who have not quite deluded themselves with the belief that the dominant party in the Irish Executive and the Irish Legislature will always be governed by "sweet reasonableness," or who have not completely arrayed themselves in the armour of cynical indifference to the fate of our loyalist fellow-subjects. The insistence upon these "securities" is nothing less than the abandonment of the doctrine, that we ought to repose implicit trust in the Irish as a self-governing community, which Mr. Gladstone has placed in the forefront of his argu-

* *Times*, February 14, 1893.

† *Times*, February 15, 1893.

ment for Home Rule. Yet it is plain enough that all this panoply of protection is a sham, as palpable to its manufacturers as was the flimsiness of Don Quixote's helmet when its wearer prudently declined to put it to the test of the sword.

The Bill contains, as we have seen, in the preamble a "saving" of the "supreme authority of Parliament," which, according to the authors of the measure, stood in need of no such assertion. The same object is supposed to be incidentally aimed at in certain words introduced into Clause 33, declaring that the Irish Legislature may repeal or alter any existing laws within the scope of its authority except such as "being enacted by Parliament

Supreme
authority of
Parliament
asserted.

after the passing of this Act may be expressly extended to Ireland." But the Irish Nationalists, in professing to recognize these reservations, have expressly stipulated that they are not to be enforced. The same is the case with the veto to be exercised by the Lord Lieutenant at the instance of the Imperial Government and, *ex hypothesi*, against the advice of his Irish Ministers. If any of these powers were used, except with the full assent of the Irish Legislature—in which case, it is obvious, the necessity for resorting to them would not have arisen at all—the Nationalists of all sections would be prepared to denounce their exercise as a breach of the spirit and purpose of the Home Rule policy, and to revive, as Mr. Redmond has warned us,* those unbounded claims of Irish nationality to which Mr. Parnell refused to set a limit. The optimist predictions of Mr. Gladstone, Mr. Bryce, and Mr. Morley are based on the assumption that there is no moral possibility of any dispute between the two countries, and Mr. Blake appeals to Canadian experience in confirmation of this view.† Yet there is already, before the practical

Not to be
exercised.

Veto not to be
exercised.

* *Times*, February 15, 1893.

† *Times*, February 18, 1893.

Safeguards
ineffective
because—

- (1) Executive
authority
vested in the
Assembly ;
- (2) Irish Mem-
bers at West-
minster ;
- (3) Gerry-
mandered con-
stituencies.

pinch has been felt, a sharp controversy over the financial arrangements, one of many parts of the Bill to which there is no parallel to be found in the political position of Canada. These general savings, together with all the particular safeguards to which we are about to refer, are dominated by three conditions, which, though they will leave abundant material and opportunity for strife, completely nullify the avowed objects of the whole protective system. With the Executive absolutely controlled by the majority in the Legislative Assembly in Dublin, with the power of the purse, and with a contingent of 80 Irish members at Westminster, four-fifths of whom, under the "gerrymandered" scheme of the Bill, will almost certainly be extreme Nationalists, the securities provided on paper will in practice be of no value whatever.

Let us now look a little more in detail at the most important of the restrictive provisions by which Mr. Gladstone professes to incapacitate the Irish Government from damaging Imperial interests and from inflicting injustice on the minority. There is, first of all, the prohibition with respect to fiscal legislation, the fixing of Customs and Excise duties (but not of Excise licences), and of postal rates being reserved to the Imperial Parliament. It is contended that this "safeguard" makes it impossible for the Irish Government either to set up a protectionist tariff against Great Britain, or to impose disabilities in respect of trade upon Ulster. But how will the system work in practice? In the first place, the Irish Government is not restrained from giving bounties to any favoured branches of native industry or commerce. Mr. Parnell always regarded that method with sympathy, and, indeed, it has a flavour of jobbery about it which naturally commends it to the Irish mind. From every part of the country and from every sectional interest, from farmers and stock breeders, from distillers and

Irish Govern-
ment may give
bounties

with results.

Prohibitions other than Excise.

Fall in Irish securities.

These powers of taxation and of regulation of trade would, in any case, render worthless the securities for the property of individuals and corporations supposed to be embodied in the 5th and 6th sub-sections of Clause 4. We have already pointed out the fact that those securities are subject to the significant condition "without due process of law," the Irish Legislature having the largest powers of modifying that law, which will be administered by Irish tribunals and carried into effect by an Irish Executive. Lord Ashbourne has developed in full detail* the point suggested in the first of these articles—that, under this clause, it will be perfectly possible to despoil and destroy Trinity College, Dublin, either by "process of law" or by confiscatory legislation. It may be added that, while the restrictions referred to have been quoted as borrowed from a recent amendment of the Constitution of the United States, the framers of the Bill have taken very good care to refrain from copying that fundamental provision of the American system (Article 1, section 10, of the Constitution) which explicitly declares that no State shall "pass any Bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." Under the Gladstonian Constitution, contracts may be and will be attacked. The rights of persons and of corporations are left without any real protection, for that of the Appellate Courts, with which we shall presently deal, is practically worthless. Ulster and her industries, which have been denounced incessantly and virulently by the representatives of the Nationalists, will not only have to take a share in the burdens imposed by a necessitous Government, ignorant of the laws of political economy and impatient of its restraints, but will be exposed to the competition of bounty-fed industries and the crippling effect of a hampering policy originating in jobbery or in malignity, or in a

Lord
Ashbourne on
Trinity
College.

The funda-
mental provi-
sion of the
American
system not
inserted.

How the
industries of
Ulster may
be ruined.

* *Times*, February 27, 1893.

combination of both. We may see a chain of *octroi* posts established on the internal borders of the Ulster Plantation counties for the purpose of levying duties on the exported produce of that province, while the produce of the other provinces would be allowed free admission to the Ulster markets. The Ulstermen, if they accept their position as a minority placed under the Dublin Parliament, would in such a case be absolutely powerless. It may be said, of course, that such enormities as these would, in the long run, work their own cure; but the Irish masses have no claim to be credited with greater good sense in dealing with economical questions than the masses in the United States or in France, or in some of our own colonies. The reign of folly and injustice would not be a brief one. Meanwhile a state of feeling would be created in which it would be almost impossible to prevent violent collision between Great Britain and Ireland on the one hand and between Ulster and the Irish Government on the other.

Again, take the prohibition against legislating for the establishment or endowment of Roman Catholicism, or of exclusive denominational education in the hands of the Roman Catholic priesthood (Clause 4, sub-sections 1-4), Here the words seem plain enough and wide enough, but what is their real worth? There is nothing to prevent the Irish Legislature from voting large sums of money as Parliamentary grants for Roman Catholic purposes out of revenue drawn mainly from the owners of property, the great majority of whom are Protestants, and from the industrial communities of Protestant Ulster. There is nothing to prevent the Irish Government from practically establishing and endowing the Roman Catholic Church in Ireland by appointing Archbishop Walsh and his leading colleagues Commissioners of Education, or Commissioners of Charities, each with a salary of £3000 or £4000 a-year.

Religious
endowments
not prevented.

How they
may be carried
out.

There is nothing to prevent the organization of paid school management in every parish, with the parish priest as manager, at a salary of £500, and his curate as sub-manager, at a salary of £200 a-year. What is the difference between a system of this kind and the establishment and endowment of the Roman Catholic Church? Again, as a correspondent has lately pointed out,* what security is there against the enforcement by the Irish Legislature of the Roman Catholic claims in the vague region of what is called "mixed jurisdiction," in questions arising out of civil marriage, divorce, and many other subjects, on which, as Mr. Gladstone has shown in his Vatican pamphlet, there is a wide divergence, in feeling and in practice, between Protestantism and Catholicism? Is Irish legislation to be brought into harmony with the priestly ideal, and, if so, how is a conflict of law between Great Britain and Ireland to be avoided? If it be objected that these are wild and impossible speculations, we answer by pointing to the claims set forth in Bishop Nulty's pastoral, and defended before the Election Judges in Meath by Mr. Healy.† We ask the British public to consider the meaning of some sentences published in the *Freeman's Journal* just after Mr. Gladstone had formed his first Home Rule Administration.‡ Between Ireland and England, said the organ of the Irish party and of Archbishop Walsh, there is "a gulf profound, impassable." Between their civilizations there is "an incompatibility not only antagonistic, but destructive. They cannot freely co-exist in the same society. They may be present, but it must be not as equals, but in subjection and domination, not in peace, but in conflict. . . . The one order of civilization is

Bishop Nulty's
claims as
defended by
Mr. Healy.

The *Freeman's*
Journal on the
religious
difference
between
England and
Ireland.

* *Times*, February, 27, 1893.

† See the Report of the Meath Election trials.

‡ *Freeman's Journal*, February 18, 1886.

Christian, the other non-Christian; the one people (the Irish) has not only accepted, but retained with inviolable constancy the Christian; the other (the English) has not only rejected it, but has been for three centuries the leader of the great apostasy, and is at this day the principal obstacle to the conversion of the world. . . . The Christian idea is absolute, and will brook nothing that is not itself." The Pope, we are told, has expressed to Cardinal Logue, the Roman Catholic Primate of Ireland, his approval of the Bill. "There can be little doubt," writes our correspondent at Rome,* "that the aspirations of the Irish clergy to the exercise of political power in Ireland have always had the sympathy of Leo XIII., whose passionate desire for the revival of the mediæval political supremacy of the Papacy throws every other consideration into the shade. As a step in this direction the success of Home Rule would be a satisfaction to the Pope." In truth, the doctrine of the Roman Catholic Church—that is, the theory of the clergy as opposed to the practice of the laity—has always been that set forth by the *Freeman's Journal*, and, wherever it is not controlled by more powerful external forces, it is re-asserted even at the present day. In no country of Europe is there a more promising field for its practical application than in Ireland, where, in spite of the repression of popular violence and the enforcement of equal rights under Imperial rule, nearly three-fourths of the Parliamentary representatives are the nominees of the priesthood.

Why the Pope approves of the Bill.

The theory of the clergy and the practice of the laity.

It is to the representatives of the theory of Church and State expounded by Archbishop Walsh's organ that the powers we have described are to be committed. Yet Mr. Gladstone is filled with indignant wonder† that the Protestant Ulster of the present day does not hail this

Mr. Gladstone's indignant wonder.

* *Times*, February 27, 1893.

† *Times*, February 14, 1893.

proposal with the same trustfulness that was shown by the men of Belfast before the Union, when they warmly welcomed the Roman Catholic delegates from the "Parliament of Back-lane," who petitioned meekly for the removal of their grievous disabilities!

No alterations
can give real
security.

No alterations in the mechanism of the Bill can give any reality to its pretended securities and prohibitions. The Irish Legislature is to have the control both of the executive power and of the public purse, and under these conditions it is ridiculous to pretend that the Imperial Parliament can exercise such an inquisitorial authority over Irish appointments and over Irish finance as to prevent the evasion of these ostensible safeguards. But it may be said there are other means of securing the result. There is the representation of the minority in the Legislature. There is the constitutional jurisdiction of the Court of Exchequer and of the Judicial Committee of the Privy Council. These, like the rest, are "dummy guns," intended for show and not for use. We have already shown that in the Legislative Council, as well as in the Legislative Assembly, the property-owning minority will be outvoted, and this, we are certain, will be apparent when the Government produce official statistics, as they must do, in common decency, before the second reading, showing the relative numbers of the qualified ratepayers in the proposed constituencies over the £20 line, and at different levels above it. The absurdity of trusting the interests of property to the representatives of majorities composed, in most cases, of small farmers and shopkeepers rated between £20 and £35 valuation requires no proof; but what are we to say of the good faith which offers this safeguard, knowing that, even if the minority held all the forty-eight seats in the Council, they would be overridden by an Assembly divided in the same proportions as the present Irish representation in the House of Commons?

An absurd
safeguard.

There is not the least prospect that, under a Home Rule Executive, that representation would be improved, while, after the lapse of six years, the majority would, of course, proceed to "gerrymander" the Ulster constituencies, and, in all probability, would be successful in swamping the Loyalist and Protestant electors everywhere, except in Antrim, Down, and the city of Belfast.

It is remarkable and instructive to observe that the Parnellites, who never would listen, while they were dominant, to the contention that the Loyalist majority stood in need of safeguards, are now loudly demanding security for themselves. Writing in the *Dublin Evening Herald* "A Parnellite" says:—"These men (the clericals) will have unchecked control, constituting the Executive Government, over all the Parnellites in the country. The veto, of which so much is said, affects only legislation. In executive action the Irish Government will be supreme. If Parnellites are the victims of injustice or suffer ill-treatment, no satisfaction will probably be obtained from the M'Carthyite Ministers in power. . . . Is it not time we began to demand safeguards in this Bill against oppression? Are the gallant minorities of Meath to have no representation in the Irish Legislature?"

The
Parnellites
want safe-
guards.

* February 25, 1893.

IV.—SAVINGS AND SAFEGUARDS.

(CONTINUED.)

The Court of
Exchequer.The appellate
tribunal.The Federal
Courts in the
United States.

There remains the appellate jurisdiction, the pale and ineffectual shadow of the Supreme Court of the United States. The Court of Exchequer, over the appointment of the Judges of which the Imperial Government is to retain control, will, in the first instance, take cognizance, when the parties interested demand it, not only of revenue pleas and election disputes, but of questions of action or legislation *ultra vires* by the Irish Legislature and of the grievances of individuals arising out of such action or legislation. From this tribunal an appeal will lie to the Judicial Committee of the Privy Council, to which also the Lord Lieutenant may refer the question of the constitutional validity of any Irish Act. Unfortunately, neither the Court of Exchequer nor the Judicial Committee will have the practical powers of the Federal Courts in the United States. In Ireland the Executive authority will be absolutely in the hands of the Irish Government; in the United States both Executive and prosecuting officers directly representing the central power are on an independent footing in every State. "Both sets of officials," says Mr. Bryce,* "are under the direction of the Attorney-General, as head of the Department of Justice. They constitute a network of Federal authorities covering the whole territory of the Union and independent of the officers of the State Courts and of the Public Prosecutors who represent the State Governments."

* Bryce's *American Commonwealth* (2nd ed.), vol. ii., pp. 234-235.

There is nothing like this in Ireland ; still less is there anything like the moral condition which makes it possible to work this complicated system in a fairly satisfactory way. "The law-abiding habits of the people," according to Mr. Bryce, "and their sense that the supremacy of Federal law and jurisdiction works to the common benefit of the whole people, secure general obedience to Federal judgments." But the very starting-point of Mr. Gladstone's policy is that the Irish reject law that comes to them "in foreign garb," as it will emphatically be held to come to them from the Exchequer Judges nominated by the Imperial Government and from the Judicial Committee sitting at Westminster. A decision setting aside any Act of the Irish Legislature which strikes at the rights of some individual or corporation may be obtained from the Court of Exchequer or from the Judicial Committee, but how is that decision to be made effective? How are the injured parties to be restored to their rights? These difficulties have arisen even in the United States. In Professor Sumner's "Life of President Jackson"* will be found an interesting account of the refusal of the Federal Executive to support the Federal Judiciary, to which Mr. Dicey refers in the passage quoted below. In Ireland such a conflict would be not probable only, but certain. As Professor Dicey says:—

Law "in foreign garb."

Executive may refuse to enforce judicial decrees

The object of the plaintiff in an action is to obtain, not judgment, but payment or execution. What are the means by which judgments of the Privy Council may be put in force where they happen not to be supported by Irish opinion, and are opposed, it may be, to the decisions of the Irish Courts? The answer is simple ; the Constitution provides no means whatever. The Federal tribunals of America possess in every State officials of their own, and are supported in the main by American opinion. The Americans are, moreover, to use their own expression, "a law-abiding people." Yet for all this the

Professor Dicey's Example

* Pages 171-183.

judgment of the Supreme Court may be worth little if it runs across State sentiment, and if the President should happen to sympathize with State rights. A citizen of colour was unlawfully imprisoned in Georgia; he applied for a *habeas corpus*. The application ultimately came before Chief Justice Marshall, and the writ was granted. The traditional comment of President Jackson is noteworthy. "John Marshall has given his judgment, let him enforce it if he can." The Executive would not assist the Court, and the Supreme Court was powerless. Switzerland, again, has a Federal tribunal; it is a Court, as would be the Privy Council, which cannot command officials of its own to execute its process; it depends for aid on the Cantonal authorities. This state of things, I am told on good authority, produces its natural result. The judgments of the Federal tribunal can be rendered almost ineffective by the opposition of a Canton. At this moment the statutes of the Imperial Parliament bind every man throughout the United Kingdom. The Courts in Ireland are bound to give effect to every statute, and the Irish Courts are supported by the sheriff and his officers, and in the last resort by the power of the United Kingdom. Yet the difficulty of the day is enforcement of judgments which run against Irish popular opinion. Is it common sense to imagine that opposition which defies, often with success, the authority of the Irish Queen's Bench Division, or ultimately of the House of Lords, would not easily nullify the judgments of the Privy Council when not only unpopular in Ireland, but in contradiction to a law devised by the Irish Executive, passed by the Irish Parliament, supported by the Irish Judges?*

It seems clear that, so far as individuals and their rights are concerned, the protection supposed to be afforded by this appellate jurisdiction would be entirely illusory. The Irish Executive would take no pains to set its police force in motion to overrule its own acts, and probably after the contemplated change in the character of the constabulary had been completed it could not do so even if it would. Local resistance to legal process has been the most formidable difficulty we have had to contend with in the past. It will not be diminished when

* Dicey's *Case against Home Rule* (2nd ed.), pp. 258-260.

those who are interested in withstanding or subverting law know that a sympathetic Executive will do nothing to protect the officers of the Courts. There is a stroke of cruel irony in the authority given to the Exchequer Judges, should the ordinary means of enforcing decrees fail, to appoint a special officer, who for that purpose shall be invested with "the same privileges, immunities, and powers as are by law conferred on a sheriff and his officers."* The might and majesty of such an emissary, proceeding to execute a decree of the Court at Gweedore or Bodyke, while the Executive in Dublin and the local police combine to use a benevolent "dispensing power," dazzle the imagination. Of course, the Courts may strive to vindicate their authority and may be supported by the Imperial Government, with consequences sufficiently damaging to the "union of hearts." But whether they do so or not, no real security is given under these pretentious provisions for the maintenance or restoration of personal rights that may be invaded by the unconstitutional action of the Irish Legislature.

The position and powers of the special officer of the Exchequer Judges.

Finally, there are certain temporary and personal securities intended to bridge over the period of transition from the Imperial Government to full-fledged Home Rule. Though Mr. Gladstone has altered his tone in regard to the protection due to Judges, magistrates, policemen and other public servants, who, as he said in 1886, have, in rendering "loyal service to the Empire," been "placed in relations more or less uneasy with popular influences and with what under the new Constitution will be in all probability the dominating influence in that country,"† it was not possible to leave this part of the subject altogether unprovided for. We have, therefore, a series of provisions regulating the position of

* Clause 19, sub-section 5.

† *Hansard*, vol. 304, p. 1070.

The two blank
schedules.

present and future Judges, of civil servants, of persons in receipt of pensions and of the officers and men of the Royal Irish Constabulary and the Dublin Metropolitan Police. (Sections 26-30.) It is singular that the two schedules professing to give particulars of the retiring allowances to the civil servants and to the police are left blank in the Bill, and there is too much reason to believe that this is because the terms proposed, though probably not too liberal, have been objected to by the representatives of what Mr. Gladstone has truly called "the dominating influence."

Those who
rendered
"loyal ser-
vice to the
Empire."

Before we examine the position in which those who have rendered "loyal service to the Empire" in Ireland are to be left under Mr. Gladstone's scheme of Home Rule, it is well to record once more a few out of many indications of the temper and purpose with which they are regarded by those who are masters of "the dominating influence." The same testimony will be useful in estimating the worth of the rights, not only of landowners, but of their mortgagees and other creditors, many, if not most, of them English and Scotch investors, both during the period of three years in which the power over agrarian legislation will be reserved by the Imperial Parliament, while the Irish Executive will be at the disposal of "the dominating influence," and afterwards when the Irish Legislature is to acquire unfettered authority to confiscate and despoil. As our correspondent, "A Radical Nonconformist," pointed out a few days ago,* Mr. Dillon has spoken out very plainly on these questions. His "word of warning" to landlords and agents, bailiffs and police, has been repeated in various forms, but always to the same effect. "I tell these people," he said, just after the Plan of Campaign had

Mr. Dillon's
threats.

* *Times*, February 27, 1893.

been initiated, "that the time is at hand, and very close at hand, too, when the police will be our servants, when the police will be taking their pay from Mr. Parnell, when he will be the Prime Minister of Ireland. And I warn the men to-day who take their stand by the side of landlordism and signalize themselves as the enemies of the people that in the time of our power we will remember them. The time has gone by when the Government of this country can be opposed to the wishes of our people, and I warn you that in the struggle you are going into this winter your enemies have a day of reckoning at hand, that we are not the men who forget who stood up against the people.

"A day of reckoning."

. . . I will go further and say that officers of the law who make themselves prominent against the people by their harshness and cruelty, if they want promotion when the Irish Government is in power will have to go elsewhere than to us to look for it."*

A year later Mr. Dillon's menaces were as distinct, though the immediate prospect of his gaining official power to give effect to them had disappeared. To those who dared to set at naught the dictation of the "Campaigners" he said:—

"Let that man be who he may, his life will not be a happy one, either in Ireland or across the seas, and I say this with the intention of carrying out what I say."† And, again, a little later‡:—

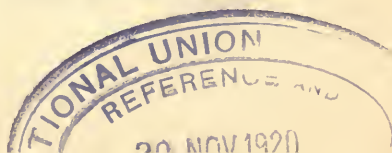
"His life will not be a happy one."

"It is the duty of every man in this country who has an Irish heart in his breast, and who feels for his country, to do everything in his power to injure everybody who helps Hamilton"—a land agent who had courageously and successfully resisted the Plan. While the Crimes Bill was before Parliament, Mr. William O'Brien's newspaper§ denounced the resident magistrates as "a pack of mean and

Mr. O'Brien's newspaper on "cowardly mercenaries."

* *Daily News*, December 6, 1886. † *Freeman's Journal*, August 24, 1887.

‡ *Freeman's Journal*, December 3, 1887. § *United Ireland*, April 9, 1887.



cowardly mercenaries," and as "paid partizans who do the dirty work of the Castle." This was before Mr. Balfour's administration had obtained any coercive powers, and the attack was made on men of whom the majority had been appointed and promoted under Mr. Gladstone. It is a pity that when the use of the word "mercenary" was lately discussed in the House of Commons on a question of privilege, this *locus classicus* was not cited by its author. It is to an Executive Government animated by the feelings Mr. Dillon and Mr. O'Brien have so candidly avowed that Mr. Gladstone's Bill would deliver over, not only the landlords of Ireland, but the Judges, the magistrates, the civil servants of every class, the police, and the officials employed in carrying out the decrees of the Courts, with only such "protection" as is secured to them in the clauses referred to.

The intention
to secure
the higher
officials.

The intention, undoubtedly, is to give the existing Judges of the Superior and County Courts, the chief Land Commissioners, and the officers in the Permanent Civil Service, who are paid out of the Consolidated Fund, a guarantee for the preservation of their present rights as to tenure, salary, and pension, and though it is not quite clear that this object is perfectly attained by the provisions of the Bill as they stand, we assume that Ministers will feel themselves bound by the pledge thus formally given. But this protection does not extend either to the main body of the civil servants, including such important classes of officials as the heads of many departments, the resident magistrates, the inspectors of schools, fisheries, factories, &c., the Assistant Land Commissioners and valuers, or to the constabulary. The former are liable to be dismissed from their employment at six months' notice by the Irish Executive, upon such terms as to pension or retiring gratuity as "the dominating influence" may allow

The main body
of civil ser-
vants likely
to suffer.

Mr. Gladstone to offer. The latter are to be disbanded on similar terms, as soon as the local forces have been organized. The rates of pension, &c., to be offered, as we have said, are kept secret; but it is quite certain that they will bestow upon men, most of them of middle age, with no other prospect in life open to them, a mere fraction of the income which they have been receiving, and which, in the ordinary course of things, they would continue to earn for years to come. As the Irish Exchequer will be responsible in the case of civil servants for the repayment to the Imperial Exchequer of the whole of the amount of these pensions and gratuities, and in the case of the constabulary for two-thirds of the amount, "the dominating influence" will have the strongest reasons for trying to cut down what must be at best a paltry provision to the lowest possible point. And this is to be the fate of men who have entered upon their professional career relying on the assurance that they have been incorporated in the permanent service of the Crown, to hold their places and draw their pay till death, resignation, or removal for incapacity or misconduct. On the faith of this assurance they have formed all their plans of life, and have resigned the prospect, and, in many cases the possession, of other means of livelihood. Now, by a stroke of Mr. Gladstone's pen, in his treaty-making with "the dominating influence," these public servants are placed at the mercy of those who have avowed a determination to stamp them out. Yet Mr. Gladstone, Mr. Bryce, and Mr. Morley protest in the House of Commons that a national obligation to these public servants has been recognized, and will be fulfilled! The insulting mockery of these hollow phrases placed side by side with the hard facts is without a historical parallel. Nothing like it is to be found even in that painful chapter

of our annals which records the events that followed Majuba Hill.

The two
powerful
motives—
revenge and
greed.

The American
doctrine.

Two powerful motives will co-operate to bring about a "clean sweep" of the civil servants and the constabulary, should the Irish Executive be established in the manner contemplated by Mr. Gladstone's Bill. The spirit of revenge and malignity that breathes through Mr. Dillon's speeches will have to be satisfied. But malice will be re-inforced by greed. The cynical doctrine, "To the victors belong the spoils," formulated in the American Congress by Marcy two generations ago, has been put into practice in the United States with special zest and thoroughness by Irish politicians. It is idle to imagine that the opportunity afforded by the Bill of applying it on a grand scale in Ireland will be neglected. Mr. Gladstone professes to believe that the Irish Government will be actuated by a pure and zealous passion for economy, that the pruning knife will be freely used, that many places will be abolished, and most salaries cut down. Everybody who knows anything about Irish affairs and the character of "the dominating influence" must recognize the absurdity of such predictions. In this respect, as in so many others, the Parliamentary party are not their own masters. They have to provide not only for themselves, but for their supporters, for the "organizers" and "workers" of the movement whose creatures they are. They will require every place they can get hold of to gratify the necessities of their following and their own. This is not the belief of the doomed Loyalists only. It is avowed and insisted upon by the Parnellite journals in Dublin, one of which heads a remarkable letter* on the subject, "Waiting for Plunder; £30,000 a-year for the M'Carthyites after the

"Waiting for
Plunder."

* *Evening Herald*, February 25, 1893.

Bill. Are the seceders to have all the power and all the swag? Are the 100,000 Parnellites to have no voice in the Government, and no protection?" Even if the heads of departments, the resident magistrates, the inspectors, the assistant commissioners, and the officers of police had not become obnoxious to the masses by "loyal service to the Empire," they would have to go, because their places and salaries are needed for others. The same thing will probably happen in the lower ranks. Though the Home Rule Executive would not care, probably, to work the new system with magistrates, Land Commissioners, or police officers who had done their duty under the old system, there may appear to be little inducement to get rid of the rank and file of the constabulary, who might be incorporated with manifest advantage in the local police forces. But, apart from the fact that they are tainted with the Imperial connexion, there is a stronger reason against this course. The class which has acted as "the police of the League"—the "village ruffians," as Mr. Forster called them—the "hill-side men" and "the moonlighters," will put in claims to which Mr. Dillon and his party dare not turn a deaf ear. The immediate business of the Irish Government during the three years in which the land question is to be withdrawn from its cognizance will be to create "anarchy by establishment," and the materials, under Mr. Gladstone's scheme, are ready to their hand. With the "moonlighters" as a police force, with magistrates and Land Commissioners chosen carefully among the enemies of the "English garrison," the new masters of Ireland can await without impatience the expiry of the first term of judicial rents fixed under the Land Act of 1881, and begin the revision, to prairie value or below it, in a manner which will testify to the admirable results of that masterpiece of statesmanship. We are entitled to say

The new police force.

The new revision of rents.

Mr. Gladstone's opinion of the League twelve years ago.

of this legalized resuscitation of the "League," in the words which Mr. Gladstone used of the movement headed by his present allies a dozen years ago,* that "it means the destruction of peace and all that makes life worth having; it means the placing in abeyance of the most sacred duties and the most cherished rights; it means the establishment of the servitude of good men, and the supremacy and impunity of bad men." The moral elements of the case have not been changed merely because Mr. Gladstone is now dependent on the party he then denounced for his majority in the House of Commons and for his maintenance in office.

* *Hansard*, January 28, 1881.

V.—FINANCE AND FINALITY.

ACCORDING to the admissions of all rational advocates of Home Rule, the financial basis of the scheme is a cardinal point. If the relations to be established between the Imperial and the Irish Government in regard to finance should turn out to be unsound, inequitable, and unworkable, the "message of peace" will bring in its train complaints and conflicts, recrimination, repudiation, and bankruptcy. It is not to be supposed that the taxpayers of Great Britain will submit to be heavily and unfairly mulcted in order to equip and subsidize a policy against which they have, by the majority of their representatives, entered a solemn protest. It is idle to imagine that the Irish Nationalists will be content with revenues and taxing powers that will place them between the alternatives of a rigorously economical and parsimonious administration and an early confession of insolvency. Yet is there any method by which these opposing conditions can be reconciled? If so, Mr. Gladstone does not appear to have as yet discovered it. The Unionists protest against the financial scheme of 1893 not less strongly than they protested against that of 1886, as at once grossly unjust to the British taxpayers and as certain to break down speedily in practice. The Nationalists are fully as dissatisfied. Mr. Parnell condemned the financial arrangements of the former Bill root and branch.* Mr. M'Carthy and Mr. Sexton agree with Mr. Redmond and Mr. Clancy in condemning the present proposals. "This prospect," says Mr. Sexton in the *Nineteenth Century* for March, p. 373, "we certainly cannot

Finance—a
cardinal point.

Parsimony or
insolvency.

Mr. Sexton
on the finan-
cial scheme.

* *Hansard*, vol. 304, pp. 1853, 1854.

accept; we ask for a real surplus." "Were the financial clauses to remain as they are," says Mr. Redmond in the *Speaker* of February 25, 1893, "I, for one, would have the very gravest doubt as to the possibility of the ultimate success of the scheme." In 1886, Mr. Gladstone tried to escape from the dilemma by an ingenious arithmetical juggle. For this another artificial system has now been substituted. But the facts of the case are too plain to be misinterpreted. From Mr. Gladstone's own admissions seven years ago we are able to show that the arrangement he proposes now, like that which he proposed then, is unfair to the taxpayer of Great Britain, while his Irish Separatist allies may be left to prove that, in the financial position in which he places Ireland, Irish independence must mean Irish bankruptcy.

Mr. Gladstone's financial scheme.

Let us, in the first place, give a succinct summary of Mr. Gladstone's new scheme of finance. He proposes, not to ask Ireland for the payment of a lump sum, as in 1886, by way of her contribution towards Imperial liabilities and expenditure, but to take over, in lieu of such a contribution, a fund already under Imperial control and intended so to remain, namely, the amount of the Irish Customs receipts, which is estimated, after allowing for the cost of collection, at £2,370,000. The rest of the Irish revenue—provision being made to divert from the Irish to the Imperial Exchequer the proportion of the revenue from Excise duties on Irish spirits and malt liquor consumed and paid for by the people of England and Scotland—is left to be handled by the Irish administration. Here, according to Mr. Gladstone's calculations, is the balance sheet of the new Government of Ireland.*

The Irish balance-sheet

* Parliamentary Paper (No. 91): Return showing the effect of the Finance proposals in the Government of Ireland Bill, as regards Ireland, on the basis of the estimated Revenue and Expenditure for 1892-1893.

RECEIPTS.

Excise Duties (exclusive of licences), including beer duty, spirit duty, chicory duty, coffee mixture labels, home grown tobacco, railway duty, charges on delivery from bonded warehouses, &c., ...					£3,220,000
Local Taxes:—					
Stamps, ...	£755,000				
Income-tax, ...	550,000				
Excise Licences, ...	190,000				
					1,495,000
Posts and Telegraphs, ...					740,000
Crown Lands, ...					65,000
Miscellaneous, ...					140,000
					£5,660,000

EXPENDITURE.

Civil Administration Charges, ...	3,210,000
Cost of Inland Revenue Collection, ...	160,000
Expenses of Post and Telegraph Service, ...	790,000
Contribution to cost of maintaining constabulary, being two-thirds of cost (£1,500,000), to Imperial Budget, ...	1,000,000
	£5,160,000
Surplus, ...	500,000
	£5,660,000

The regulation of the rates of Excise duties and of postal and telegraph charges is retained, as well as the fixing of Customs duties, by the Imperial Parliament; but the collection and management both of the Excise and of the postal and telegraphic services, and consequently the patronage of those services, are to be under Irish control. The receipts thus left to the Irish Government will be almost exclusively drawn from local sources, though her share of the income from Crown lands will be paid over by the Imperial Government. The charge for the Constabulary and the Dublin Metropolitan Police, amounting to £1,500,000 per annum, will be immediately

Post Office
rates and
Customs'
duties.

Crown lands.

Constabulary.

The "War indemnity."

borne, so long as those forces are in existence, by the Imperial Government; but the Irish Government will be under an obligation to pay back two-thirds of that sum into the Imperial Exchequer. The difference constitutes the direct bonus from the Imperial to the Irish Government, which is to start the latter with a surplus of half a million a-year. This payment, if capitalized, has been estimated at 17 millions sterling—a sum which Mr. Balfour and Mr. Goschen greatly angered the Prime Minister by calling a "war indemnity." As we shall see, however, it is only a part of the price the British taxpayers are asked to pay for the privilege of giving Mr. Gladstone and his Irish Separatist allies an opportunity of making an experiment in "autonomy" that may wreck both the British Empire and the British Parliamentary system.

Mr. Gladstone's financial scheme in 1886.

We must be careful to keep separate the question of the contribution actually due from Ireland to the Imperial Exchequer, and not to allow it to be mixed up with either of Mr. Gladstone's juggling devices for concealing the real magnitude of the loss to the taxpayers of Great Britain. We have no objection to discuss the policy of a direct bonus, such as the payment of one-third of the Constabulary charge, or even one of three times or four times that amount; but let the conditions of such a proposal be clearly seen and coolly weighed. Seven years ago, on bringing forward his first Home Rule Bill, Mr. Gladstone carefully went into the "equitable distribution of Imperial charges,"* which he described as "an essential condition of our plan." While it was contemplated at the time of the Union that Ireland should pay a share of Imperial charges in the proportion of 1 to $7\frac{1}{2}$, Mr. Gladstone stated that her actual payment was as 1 to $11\frac{1}{2}$;

* *Hansard*, vol. 304, pp. 1073-1075

and, after examining the testimony afforded by the valuation, the death duties, and the income tax, he came to the conclusion that to fix her share at a payment of 1 to 14 would be "an equitable and even generous arrangement." On this basis the Irish contribution towards Imperial expenditure was fixed as follows:—

Debt Charge (Interest and Sinking Fund), ..	£1,826,000
Army and Navy Charges, ...	1,666,000
Imperial Civil Charges, ...	110,000
	£3,602,000

Ireland's share of Imperial charges, 1 to 14, under Bill of 1886.

The debt charge has decreased since 1886, but, on the other hand, the Army and Navy charges, and probably also the Imperial Civil charges, have increased, though on these points Mr. Gladstone has not deigned to give the country any precise information, nor has he stated whether or not in his opinion the Irish proportion ought to be now assessed on a different principle. He has simply taken over the Irish Customs receipts in lieu of the contribution to Imperial charges with the remark that it "is very nearly the right amount." The meaning of this is quite plain. In 1886 Mr. Gladstone, in addition to proposing, as he does now, that the Imperial Government should bear one-third of the Constabulary charge, contemplated permanently endowing the Irish Government with the proceeds of duties on excisable goods, levied in Ireland but really paid by the British consumers, to the value, according to his own calculation, of £1,400,000. This additional subsidy, "paid to the benefit of Ireland as a charge upon the English and Scotch taxpayer,"* to quote Mr. Gladstone's words at the time, was highly unpopular, and if the Bill had not been quickly dismissed by the defeat on the second reading, would have been exposed to

Charge upon the British taxpayer; provision in 1886.

* *Hansard*, vol. 304, p. 1076.

the most damaging criticism. Mr. Gladstone has therefore dropped it, proposing to effect, by levying the duties in Great Britain, what he formerly said could not be done "without breaking up the present absolute freedom of trade between the two countries."* But he carries out his original object in another way. Without attempting to prove that the Irish contribution to Imperial expenditure ought to be less than the amount he so elaborately estimated it to be in 1886, he adopts the device recommended by the unjust steward in the parable to his master's debtors. Instead of £3,602,000, the sum estimated in 1886, or nearly four millions, which would be one-fifteenth of £59,000,000, his present estimate of Imperial charges,† Mr. Gladstone takes the net return from the Customs duties at £2,370,000, and tells the British public boldly that it is "very nearly the right amount." The result of the latter operation is not substantially different from the earlier. The real payment, in excess of Ireland's Imperial contribution on the basis of her present share in the general burden of taxation, is not half a million, but at least one million and three-quarters per annum, and this is what the taxpayers of Great Britain will have to meet, as a new charge, in order to give Mr. Gladstone's Home Rule a start.

'Very nearly
the right
amount.'

Irish objec-
tions to the
financial
scheme.

No more
loans.

On the other hand, it is not difficult to see why the Irish are by no means in love with the arrangements. There will be no Imperial grants for the future. The Board of Works will no longer lend British capital to Irish farmers for drainage operations, to Irish priests for school-houses and glebes, or to the Irish ratepayers generally for the construction of public works and buildings. The credit of Ireland will no longer be raised to the level of British credit, and where it will stand, on its own merits, may be inferred from the recent fall in Irish securities.

* *Hansard*, vol. 304, p. 1076.

† *Times*, February 14, 1893.

The Excise duties must be the corner-stone of the Irish budget, and any extensive change in the drinking habits of the people—an event, however, which may be regarded as “out of the range of practical politics”—would certainly land the Irish Government in a deficit. This is, indeed, one curious and striking result of the wild enthusiasm with which the temperance party flung themselves on the side of Mr. Gladstone. The self-governed Ireland they are helping to set up, if, as they desire, she becomes sober, will also become insolvent. Nor is this the only danger involved in dependence on the Excise. There is a long tradition of popular sympathy in Ireland with illicit distillation and other frauds on the revenue. The manufacture of poteen was carried on, upon the most extensive scale, when Ireland had a Parliament of her own; it has only been brought within bounds, in our own time, mainly by the energy and activity of the Constabulary, “that distinguished and admirable force,” as Mr. Gladstone has called it, and the practice is not yet by any means extinct. When the Constabulary has been supplanted by a local police, imbued with the traditional sympathies and antipathies of the peasantry, what chance will the unpopular “gaugers” have of putting down the manufacture and sale of unlicensed spirit? Yet if the revenue is thus defrauded to any considerable extent, what is to become of Mr. Gladstone’s balance-sheet and his Irish surplus?

The Excise duties.

If so will be insolvent.

Illicit distillation.

Besides the Excise duties, levied according to the scale fixed by the Imperial Parliament, the Irish Government will have few resources, and will probably have to resort, in obedience to the popular demand for expenditure, to such desperate and, in the end, self-defeating measures, in a country possessing little capital, and having yet to create an independent credit, as a graduated income-tax, heavy death-duties, and a severe system of

A graduated Income-tax.

Mr. Gladstone
fears "gene-
rous extrava-
gance."

Economy
impossible.

trade licences. That any great economies will be effected we are unable to believe. Mr. Gladstone, indeed, has often contended that Irish Administration is scandalously costly, both in proportion to the work done and to the wealth of the country, and has pointed to such facts as the unsatisfactory difference shown on the balance-sheet between the income and the outgoings of the Irish postal system. But does he believe that the Irish Government can or will begin its career by shutting up the small rural post-offices which do not pay, and by dismissing number of post-office *employés*? He admits himself, in another connexion, that he is somewhat afraid of the "generous extravagance"* of Irish finance. Apart altogether from the pressure to which the Irish Government will be subjected to preserve, and even to increase its patronage, and to add the burden of an unnecessary pension list, in consequence of wholesale dismissals, to the charge for existing salaries, there are general grounds for believing that any large system of economy in this direction is a moral impossibility. It is very doubtful whether, even if both Government and people were zealous for strictly economical administration, a country like Ireland could be administered as cheaply, relatively to its revenues and resources, as a much larger, wealthier, and more advanced country, like England, unless the whole scale of the administrative system, and the mode of life of the governing classes were permanently placed on a lower and cheaper basis. Some items of expenditure must remain nearly constant, whether the revenue administered be great or small. But does anyone suppose that even where cheapness is possible it will be adopted by Irish politicians, familiar with the scale of administrative expenditure adopted in Great Britain, and also in Ireland, during the British connexion?

* *Times*, February 14, 1893.

One very grave consequence of the financial arrangements devised by Mr. Gladstone is that any reduction either of the Customs duties or of the Excise duties by the Imperial Parliament will be practically rendered impossible. No change of the kind can be made without lessening, in the former case, the already inadequate Irish contribution for Imperial purposes, or actually paying over, in the latter case, a further indemnity to the Irish Government so as to preserve the artificial and somewhat unstable equilibrium of the Irish budget. The Chancellor of the Exchequer here would lose at once the power he possesses at present of dealing freely with these two main branches of the Imperial revenue. Thus, if he were to abolish the duty on tea, he would strike off the Irish contribution the whole of the Irish receipts under that head, one of the largest items, since the Irish consumption of foreign spirits and wine, is on a comparatively limited scale; and this loss would have to be met, of course, by additional taxation in England and Scotland. Again, if the Excise duties were lowered, the Imperial Exchequer would be bound (Clause 10, sub-section 6) to pay over to the Irish Government the amount of any consequent loss compared with the sum set down in the initial balance-sheet. On the other hand, it is provided, to meet the case of war, that if the Excise duties are increased the Irish Government is to hand over the additional proceeds to the Imperial Government. But what if the Chancellor of the Exchequer should desire for British purposes other than those of war to increase, let us say, the duties on spirits and beer? Is it likely that the Irish Government will consent to an additional impost, which would in all probability check consumption or encourage fraud, while the Irish Exchequer would not profit by a single penny should the receipts be augmented? In confusion and complexity these arrangements seem to challenge com-

Reduction in
Customs or
Excise duties
impossible.

Effect on
English
Chancellor of
Exchequer.

Duty on tea.

If Excise
duties are
lowered.

If they are
raised.

parison with the system of Egyptian finance, under international restraints so vividly described in Mr. Milner's recent book.

The Argentine Confederation.

The expedient of grasping the Customs receipts, as Lord Randolph Churchill showed in the debate on the second reading,* has been borrowed from countries like the Argentine Confederation, where its working has not produced the most admirable results. It does not even avoid, as Mr. Gladstone persuades himself it will, the difficulties arising out of cross accounts, and out of direct demands upon the Irish Exchequer. An elaborate system of cross accounts is contemplated in Clause 13, and there are a succession of charges, enumerated in Clause 14, payable from Ireland to the Imperial Exchequer, such as the two-thirds, share of the cost of the police, the repayments to meet dividends and sinking fund on guaranteed land stock, the amounts due on default of land purchase and other advances, the cost of salaries and pensions, the annuity for the repayment of the Local Loans Fund, &c. How are these sums to be recovered in case the Irish Government should profess to be unable to meet the demand? It is provided that when certain of these charges are certified to be due the Lord Lieutenant shall, "by order without any counter-signature"—that is, without requiring the advice or assent of his Irish Ministers—cause the money to be paid from the one Exchequer to the other. But all the officials at the Irish Exchequer and all the disposable Executive forces will be the servants of, and in sympathy with, the Irish Government. The situation will be precisely that of a landlord whose tenants refuse to pay, or declare that they are unable to pay, rent, except that the Imperial Government can neither put in an execution nor carry out an eviction. The Lord Lieutenant's order, the decree of the Court of Exchequer or of

An elaborate system of cross accounts.

The Lord Lieutenant may order, but the Executive may not carry out.

* *Times*, February 17, 1893.

the Privy Council, every necessary element of legality, in fact, may be present, but what will it all avail if the Irish Government, borrowing the language that has been assiduously taught to the defaulting tenant, should assert its moral right to postpone meeting its legal obligations until it has discharged its primary duties to those dependent upon it? Of course, we shall pay our debts—such is the language we may expect to hear—but first of all we have to see our people “live and thrive.” We demand a *moratorium*, and, meanwhile, we must examine carefully whether or not the terms exacted from us when the Home Rule Bill was passed were equitable and reasonable. We all protested at the time, but our protests were not listened to. Now, if you mean to insist upon your hard bargain, you must understand that we refuse to be bound by it, and that you will have to use force to compel us to comply with it. How is the Imperial Government to deal with language such as this? It can send horse, foot, and artillery to Ireland, but this remedy, the very one we should resort to, if to any, in the case of a foreign defaulting Power, is neither an effective and economical method of getting in revenue, nor a substantial guarantee for the maintenance of the “union of hearts.”

The “live and thrive” excuse.

Refuse to be bound by a hard bargain.

When we published, a few weeks ago, a series of articles under the title “What Home Rule Means Now,” we produced a mass of evidence showing from the reiterated statements of the Irish Separatists themselves that no measure such as Mr. Gladstone was in a position to bring forward—none, indeed, falling short of practical separation—had any chance of being accepted as final. Mr. Gladstone, in fact, seems to have realized this, for, though he talks of the necessity of making his Bill a “real and continuing settlement,”* he admits that “finality is a somewhat discredited word,” just as Mr. Morley had

Finality only in separation.

Mr. Gladstone, Mr. Morley, and Mr. Ford on “finality.”

* *Times*, February 14, 1893.

Manifesto of
Irish National
League of
America.

previously declared it to be an "illusion,"* and Mr. Patrick Ford † a "futility." Parliament, then, and the British public are clearly to understand that if the Bill is passed, with the nominal acquiescence of the Irish Nationalists, there is to be no finality about it. The financial arrangements, in particular, have been challenged from the outset, and would not be treated, were an Irish Legislature and Executive to be once established, with the slightest respect. The Irish National League of America issued a few days ago a manifesto the spirit of which is fairly represented by the following passages :—

Special con-
stables and
tax-gatherers.

"We deeply regret that some Irishmen claiming to represent the Irish people cried hallelujah, and announced to the world that the present measure was a full and complete settlement of the claims of Ireland. That it is not must be apparent to every honest man of our race. The measure cannot be accepted as a full and complete settlement of the claims of our people. We have no hesitation in declaring that instead of being a blessing it will prove ruinous to our country. The Parliament, or Assembly, in Dublin, as provided for by this measure, will be little better than a mockery. There is nothing about it of the dignity of a Legislature. The Bill is intended to promote peace and order in Ireland, but the Assembly men in Dublin will play the part of special constables, and also be the tax-gatherers. After England has got the lion's share of revenue, these jackals, if they need more for their purposes, may impose special taxes. In other words, the people of Ireland will be doubly taxed, and the last farthing will be drained from them."‡

No doubt Mr. M'Carthy, Mr. Sexton, and Mr. Dillon would say that, though they dislike the financial arrangements, they are prepared to assent to them for the sake of securing the other advantages of autonomy; but without contesting the sincerity of such declarations, it is enough to point out that there is no security that any of the present leaders of the Parliamentary party will be those who will administer the Irish Government under a Home

* *Nineteenth Century*, February, 1887, p. 314.

† *Irish World*, November 12, 1887.

‡ Telegram in *Times*, February 27, 1893.

Rule system. A succession of prominent "patriots" have had their little day and disappeared—Mr. Butt, Mr. Shaw, Mr. O'Connor Power, Mr. O'Donnell—their very names forgotten by the multitude which used to cheer them and by the Parliamentary statesmen with whom they used to intrigue or contend.

Mr. Parnell himself, who in force of character and influence over the masses stood head and shoulders above them all, saw his popularity swept away on a sudden, and died a ruined and broken-hearted man before he had sounded the lowest depths of his decline. With these examples before us, drawn from the brief history of a few years, what folly would it be to "march into the midst of the future tense" at Mr. Gladstone's bidding in reliance on pledges, whether they be sincere or not, given by the politicians now pretending to speak in the name of Ireland. Sir Joseph M'Kenna furnished an interesting and instructive bit of information in a letter we published the other day. "The late Mr. Biggar," he writes,* "was strongly in favour of accepting the Bill of 1886 as a "stratagem," and debating the finance when the Parliament was in College-green, on the ground of the fraud it contained; but Mr. Parnell rigidly rejected all such ideas." We know, however, how Mr. Parnell declared in Committee Room No. 15 that he merely accepted the measure under pressure, and having no right, as he admitted, to "set limits to Ireland's nationhood," he would certainly have not opposed, even if it had been within his power, the re-opening of the financial question after Home Rule had been granted. A conflict over the financial relations between the Imperial and the Irish Governments would bring the whole settlement into question. A resort to force by the Imperial Government would, in the opinion of many, afford a pretext for foreign intervention. We

Forgotten
"Patriots."

Mr. Biggar's
"stratagem."

Mr. Parnell's
admission.

* *Times*, February 27, 1893.

Ulster and
the Dublin
Parliament.

do not intend to discuss at present the attitude of Ulster, though it is clear that if the Ulster men persist, as we believe they will, in their resolution not to pay taxes to a Dublin Parliament, the bottom will be knocked out of Home Rule financially as well as morally. But, narrowing the issue to that of the financial relations between the two Governments as embodied in Mr. Gladstone's Bill, we maintain that the system proposed excludes, by rigorous logic, the prospect of finality. If the hope of finality is to be abandoned, where is the promise of Parliamentary relief and of peace between Great Britain and Ireland?

APPENDIX A.

GOVERNMENT OF IRELAND BILL, 1886.

ARRANGEMENT OF CLAUSES.

PART I.

Legislative Authority.

Clause.

1. Establishment of Irish Legislature.
2. Powers of Irish Legislature.
3. Exceptions from powers of Irish Legislature.
4. Restrictions on powers of Irish Legislature.
5. Prerogatives of Her Majesty as to Irish Legislative Body.
6. Duration of the Irish Legislative Body.

Executive Authority.

7. Constitution of the Executive Authority.
8. Use of Crown lands by Irish Government.

Constitution of Legislative Body.

9. Constitution of Irish Legislative Body.
10. First order.
11. Second order.

Finance.

12. Taxes and separate Consolidated Fund.
13. Annual contributions from Ireland to Consolidated Fund of United Kingdom.
14. Collection and application of customs and excise duties in Ireland.
15. Charges on Irish Consolidated Fund.
16. Irish Church Fund.
17. Public loans.
18. Additional aid in case of war.
19. Money bills and votes.
20. Exchequer divisions and revenue actions.

Police.

21. Police.

PART II.

SUPPLEMENTAL PROVISIONS.

Powers of Her Majesty.

Clause.

22. Powers over certain lands reserved to Her Majesty.

Legislative Body.

23. Veto by first order of Legislative Body, how over-ruled.
 24. Cesser of power of Ireland to return members to Parliament.

Decision of Constitutional Questions.

25. Constitutional questions to be submitted to Judicial Committee.

Lord Lieutenant.

26. Office of Lord Lieutenant.

Judges and Civil Servants.

27. Judges to be removable only on address.
 28. Provision as to judges and other persons having salaries charged on the Consolidated Fund.
 29. As to persons holding civil service appointments.
 30. Provision for existing pensions and superannuation allowances.

Transitory Provisions.

31. Transitory provisions in Schedule.

Miscellaneous.

32. Post Office and savings banks.
 33. Audit.
 34. Application of parliamentary law.
 35. Regulations for carrying Act into effect.
 36. Saving of powers of House of Lords.
 37. Saving of rights of Parliament.
 38. Continuance of existing laws, courts, officers, &c.
 39. Mode of alteration of Act.
 40. Definitions.
 41. Short title of Act.

SCHEDULES.

A B I L L

TO AMEND

The provision for the future Government of Ireland, A.D. 1886.
1886. [49 VICT.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

Legislative Authority.

1. On and after the appointed day there shall be established in Ireland a Legislature consisting of Her Majesty the Queen and an Irish Legislative Body. Establishment of Irish Legislature.
2. With the exceptions and subject to the restrictions in this Act mentioned, it shall be lawful for Her Majesty the Queen, by and with the advice of the Irish Legislative Body, to make laws for the peace, order, and good government of Ireland, and by any such law to alter and repeal any law in Ireland. Powers of Irish Legislature.
3. The Legislature of Ireland shall not make laws relating to the following matters or any of them :— Exceptions from powers of Irish Legislature.
 - (1.) The status or dignity of the Crown, or the succession to the Crown, or a Regency ;
 - (2.) The making of peace or war ;
 - (3.) The army, navy, militia, volunteers, or other military or naval forces, or the defence of the realm ;
 - (4.) Treaties and other relations with foreign States, or the relations between the various parts of Her Majesty's dominions ;
 - (5.) Dignities or titles of honour ;
 - (6.) Prize or booty of war ;
 - (7.) Offences against the law of nations ; or offences committed in violation of any treaty made, or hereafter to be made, between Her Majesty and any foreign State ; or offences committed on the high seas ;

- A.D. 1886. —
- (8.) Treason, alienage, or naturalization ;
 - (9.) Trade, navigation, or quarantine ;
 - (10.) The postal and telegraph service, except as hereafter in this Act mentioned with respect to the transmission of letters and telegrams in Ireland ;
 - (11.) Beacons, lighthouses, or sea marks ;
 - (12.) The coinage ; the value of foreign money ; legal tender ; or weights and measures ; or
 - (13.) Copyright, patent rights, or other exclusive rights to the use or profits of any works or inventions.

Any law made in contravention of this section shall be void.

Restrictions
on powers
of Irish
Legislature.

4. The Irish Legislature shall not make any law—

- (1.) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or
- (2.) Imposing any disability, or conferring any privilege, on account of religious belief ; or
- (3.) Abrogating or derogating from the right to establish or maintain any place of denominational education or any denominational institution or charity ; or
- (4.) Prejudicially affecting the right of any child to attend a school receiving public money without attending the religious instruction at that school ; or
- (5.) Impairing, without either the leave of Her Majesty in Council first obtained on an address presented by the Legislative Body of Ireland, or the consent of the corporation interested, the rights, property, or privileges of any existing corporation incorporated by royal charter or local and general Act of Parliament ; or
- (6.) Imposing or relating to duties of customs and duties of excise, as defined by this Act, or either of such duties or affecting any Act relating to such duties or either of them ; or
- (7.) Affecting this Act, except in so far as it is declared to be alterable by the Irish Legislature.

Prerogatives of Her Majesty as to Irish Legislative Body.

5. Her Majesty the Queen shall have the same prerogatives with respect to summoning, proroguing, and dissolving the Irish Legislative Body as Her Majesty has with respect to summoning, proroguing, and dissolving the Imperial Parliament.

Duration of the Irish Legislative Body.

6. The Irish Legislative Body whenever summoned may have continuance for *five years* and no longer, to be reckoned from the day on which any such Legislative Body is appointed to meet.

Executive Authority.

A.D. 1886.

7.—(1.) The Executive Government of Ireland shall continue vested in Her Majesty, and shall be carried on by the Lord Lieutenant on behalf of Her Majesty with the aid of such officers and such council as to Her Majesty may from time to time seem fit.

Constitution of the Executive Authority.

(2.) Subject to any instructions which may from time to time be given by Her Majesty, the Lord Lieutenant shall give or withhold the assent of Her Majesty to Bills passed by the Irish Legislative Body, and shall exercise the prerogatives of Her Majesty in respect of the summoning, proroguing, and dissolving of the Irish Legislative Body, and any prerogatives the exercise of which may be delegated to him by Her Majesty.

8. Her Majesty may, by Order in Council, from time to time place under the control of the Irish Government, for the purposes of that Government, any such lands and buildings in Ireland as may be vested in or held in trust for Her Majesty.

Use of Crown lands by Irish Government.

Constitution of Legislative Body.

9.—(1.) The Irish Legislative Body shall consist of a first and second order.

Constitution of Irish Legislative Body.

(2.) The two orders shall deliberate together, and shall vote together, except that, if any question arises in relation to legislation or to the Standing Orders or Rules of Procedure or to any other matter in that behalf in this Act specified, and such question is to be determined by vote, each order shall, if a majority of the members present of either order demand a separate vote, give their votes in like manner as if they were separate Legislative Bodies; and if the result of the voting of the two orders does not agree the question shall be resolved in the negative.

10.—(1.) The first order of the Irish Legislative Body shall consist of one hundred and three members, of whom seventy-five shall be elective members and twenty-eight peerage members.

First order.

(2.) Each elective member shall at the date of his election and during his period of membership be bonâ fide possessed of property which—

(a.) if realty, or partly realty and partly personalty, yields two hundred pounds a year or upwards, free of all charges; or

(b.) if personalty yields the same income, or is of the capital value of four thousand pounds or upwards, free of all charges.

A.D. 1886. (2.) For the purpose of electing the elective members of the first order of the Legislative Body, Ireland shall be divided into the electoral districts specified in the First Schedule to this Act, and each such district shall return the number of members in that behalf specified in that Schedule.

(3.) The elective members shall be elected by the registered electors of each electoral district, and for that purpose a register of electors shall be made annually.

(4.) An elector in each electoral district shall be qualified as follows, that is to say, he shall be of full age, and not subject to any legal incapacity, and shall have been during the twelve months next preceding the *twentieth day of July* in any year the owner or occupier of some land or tenement within the district of a net annual value of twenty-five pounds or upwards.

(5.) The term of office of an elective member shall be *ten years*.

(6.) In every fifth year thirty-seven or thirty-eight of the elective members, as the case requires, shall retire from office, and their places shall be filled by election; the members to retire shall be those who have been members for the longest time without re-election.

(7.) The offices of the peerage members shall be filled as follows; that is to say,—

(a.) Each of the Irish peers who on the appointed day is one of the twenty-eight Irish representative peers, shall, on giving his written assent to the Lord Lieutenant, become a peerage member of the first order of the Irish Legislative Body; and if at any time within *thirty years* after the appointed day any such peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish peers of one of their number in manner heretofore in use respecting the election of Irish representative peers, subject to adaptation as provided by this Act, and if the vacancy is not so filled within the proper time it shall be filled by the election of an elective member.

(b.) If any of the twenty-eight peers aforesaid does not within *one month* after the appointed day give such assent to be a peerage member of the first order, the vacancy so created shall be filled up as if he had assented and vacated his office by resignation.

(8.) A peerage member shall be entitled to hold office during his life, or until the expiration of *thirty years* from the appointed day, whichever period is the shortest. At the expiration of such *thirty years* the offices of all the peerage members shall be vacated as if they were dead, and their places shall be filled by elective members qualified and elected in manner provided by

this Act with respect to elective members of the first order, and such elective members may be distributed by the Irish Legislature among the electoral districts, so, however, that care shall be taken to give additional members to the most populous places. A.D. 1886.

(9.) The offices of members of the first order shall not be vacated by the dissolution of the Legislative Body.

(10.) The provisions in the Second Schedule to this Act relating to members of the first order of the Legislative Body shall be of the same force as if they were enacted in the body of this Act.

11.—(1.) Subject as in this section hereafter mentioned, the second order of the Legislative Body shall consist of two hundred and four members. Second order.

(2.) The members of the second order shall be chosen by the existing constituencies of Ireland, two by each constituency, with the exception of the city of Cork, which shall be divided into two divisions in manner set forth in the Third Schedule to this Act, and two members shall be chosen by each of such divisions.

(3.) Any person who, on the appointed day, is a member representing an existing Irish constituency in the House of Commons shall, on giving his written assent to the Lord Lieutenant, become a member of the second order of the Irish Legislative Body as if he had been elected by the constituency which he was representing in the House of Commons. Each of the members for the city of Cork, on the said day, may elect for which of the divisions of that city he wishes to be deemed to have been elected.

(4.) If any member does not give such written assent within *one month* after the appointed day, his place shall be filled by election in the same manner and at the same time as if he had assented and vacated his office by death.

(5.) If the same person is elected to both orders, he shall, within *seven days* after the meeting of the Legislative Body, or if the Body is sitting at the time of the election, within *seven days* after the election, elect in which order he will serve, and his membership of the other order shall be void and be filled by a fresh election.

(6.) Notwithstanding anything in this Act, it shall be lawful for the Legislature of Ireland at any time to pass an Act enabling the Royal University of Ireland to return not more than two members to the second order of the Irish Legislative Body in addition to the number of members above mentioned.

(7.) Notwithstanding anything in this Act, it shall be lawful for the Irish Legislature, after the first dissolution of the Legislative Body which occurs, to alter the constitution or election of

A.D. 1886. the second order of that body, due regard being had in the distribution of members to the population of the constituencies; provided that no alteration shall be made in the number of such order.

Finance.

Taxes and
separate
Consolida-
ted Fund.

12.—(1.) For the purpose of providing for the public service of Ireland the Irish Legislature may impose taxes, other than duties of customs or excise as defined by this Act, which duties shall continue to be imposed and levied by and under the direction of the Imperial Parliament only.

(2.) On and after the appointed day there shall be an Irish Consolidated Fund separate from the Consolidated Fund of the United Kingdom.

(3.) All taxes imposed by the Legislature of Ireland and all other public revenues under the control of the Government of Ireland shall, subject to any provisions touching the disposal thereof contained in any Act passed in the present session respecting the sale and purchase of land in Ireland, be paid into the Irish Consolidated Fund, and be appropriated to the public service of Ireland according to law.

Annual con-
tributions
from Ire-
land to
Consoli-
dated Fund
of United
Kingdom.

13.—(1.) Subject to the provisions for the reduction or cesser thereof in this section mentioned, there shall be made on the part of Ireland to the Consolidated Fund of the United Kingdom the following annual contributions in every financial year; that is to say,—

(a.) The sum of *one million four hundred and sixty-six thousand pounds* on account of the interest on and management of the Irish share of the National Debt :

(b.) the sum of *one million six hundred and sixty-six thousand pounds* on account of the expenditure on the army and navy of the United Kingdom :

(c.) The sum of *one hundred and ten thousand pounds* on account of the Imperial civil expenditure of the United Kingdom :

(d.) The sum of *one million pounds* on account of the Royal Irish Constabulary and the Dublin Metropolitan Police.

(2.) During the period of *thirty* years from this section taking effect the said annual contributions shall not be increased, but may be reduced or cease as hereinafter mentioned. After the expiration of the said *thirty* years the said contributions shall, save as otherwise provided by this section, continue until altered in manner provided with respect to the alteration of this Act.

(3.) The Irish share of the National Debt shall be reckoned at *forty-eight million pounds* Bank annuities, and there shall be paid

in every financial year on behalf of Ireland to the Commissioners A.D. 1886.
for the reduction of the National Debt an annual sum of *three hundred and sixty thousand pounds*, and the permanent annual charge for the National Debt on the Consolidated Fund of the United Kingdom shall be reduced by that amount, and the said annual sum shall be applied by the said Commissioners as a sinking fund for the redemption of the National Debt, and the Irish share of the National Debt shall be reduced by the amount of the National Debt so redeemed, and the said annual contribution on account of the interest on and management of the Irish share of the National Debt shall from time to time be reduced by a sum equal to the interest upon the amount of the National Debt from time to time so redeemed, but that last-mentioned sum shall be paid annually to the Commissioners for the Reduction of the National Debt in addition to the above-mentioned annual sinking fund, and shall be so paid and be applied as if it were part of that sinking fund.

(4.) As soon as an amount of the National Debt equal to the said Irish share thereof has been redeemed under the provisions of this section, the said annual contribution on account of the interest on and management of the Irish share of the National Debt, and the said annual sum for a sinking fund, shall cease.

(5.) If it appears to Her Majesty that the expenditure in respect of the army and navy of the United Kingdom, or in respect of Imperial civil expenditure of the United Kingdom, for any financial year has been less than *fifteen* times the amount of the contributions above named on account of the same matter, a sum equal to *one-fifteenth* part of the diminution shall be deducted from the current annual contribution for the same matter.

(6.) The sum paid from time to time by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the Consolidated Fund of the United Kingdom on account of the hereditary revenues of the Crown in Ireland shall be credited to the Irish Government, and go in reduction of the said annual contribution payable on account of the imperial civil expenditure of the United Kingdom, but shall not be taken into account in calculating whether such diminution as above mentioned has or has not taken place in such expenditure.

(7.) If it appears to Her Majesty that the expenditure in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police for any financial year has been less than the contribution above named on account of such constabulary and police, the current contribution shall be diminished by the amount of such difference.

(8.) This section shall take effect from and after the *thirty-first day of March one thousand eight hundred and eighty-seven*.

A.D. 1886.

Collection
and appli-
cation of
customs and
exciseduties
in Ireland.

14.—(1.) On and after such day as the Treasury may direct all moneys from time to time collected in Ireland on account of the duties of customs or the duties of excise as defined by this Act shall, under such regulations as the Treasury from time to time make, be carried to a separate account (in this Act referred to as the customs and excise account) and applied in the payment of the following sums in priority as mentioned in this section; that is to say,—

First, of such sum as is from time to time directed by the Treasury in respect of the costs, charges, and expenses of and incident to the collection and management of the said duties in Ireland not exceeding four per cent. of the amount collected there;

Secondly, of the annual contributions required by this Act to be made to the Consolidated Fund of the United Kingdom;

Thirdly, of the annual sums required by this Act to be paid to the Commissioners for the Reduction of the National Debt;

Fourthly, of all sums by this Act declared to be payable out of the moneys carried to the customs and excise account;

Fifthly, of all sums due to the Consolidated Fund of the United Kingdom for interest or sinking fund, in respect of any loans made by the issue of bank annuities or otherwise to the Government of Ireland under any Act passed in the present session relating to the purchase and sale of land in Ireland, so far as such sums are not defrayed out of the moneys received under such Act.

(2.) So much of the moneys carried to a separate account under this section as the Treasury consider are not, and are not likely to be, required to meet the above-mentioned payments, shall from time to time be paid over and applied as part of the public revenues under the control of the Irish Government.

Charges on
Irish Con-
solidated
Fund.

15.—(1.) There shall be charged on the Irish Consolidated Fund in priority as mentioned in this section :—

First, such portion of the sums directed by this Act to be paid out of the moneys carried to the customs and excise account in priority to any payment for the public revenues of Ireland, as those moneys are insufficient to pay;

Secondly, all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund;

Thirdly, all sums which at the passing of this Act are charged on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant;

Fourthly, the salaries of all judges of the Supreme Court of A.D. 1886.
Judicature or other superior court in Ireland, or of any county or other like court, who are appointed after the passing of this Act, and the pensions of such judges;

Fifthly, any other sums charged by this Act on the Irish Consolidated Fund.

(2.) It shall be the duty of the Legislature of Ireland to impose all such taxes, duties, or imposts as will raise a sufficient revenue to meet all sums charged for the time being on the Irish Consolidated Fund.

16. Until all charges which are payable out of the Church property in Ireland, and are guaranteed by the Treasury, have been fully paid, the Irish Land Commission shall continue as heretofore to exist, with such Commissioners and officers receiving such salaries as the Treasury may from time to time appoint, and to administer the Church property and apply the income and other moneys receivable therefrom; and so much of the salaries of such Commissioners and officers and expenses of the office as is not paid out of the Church property shall be paid out of the moneys carried to the customs and excise account under this Act, and if those moneys are insufficient, out of the Consolidated Fund of Ireland, and if not so paid, shall be paid out of moneys provided by Parliament. Irish
Church
Fund.

Provided as follows:—

- (a) All charges on the Church property for which a guarantee has been given by the Treasury before the passing of this Act shall, so far as they are not paid out of such property, be paid out of the moneys carried to the Customs and Excise account under this Act, and if such moneys are insufficient, the Consolidated Fund of Ireland, without prejudice nevertheless to the guarantee of the Treasury;
- (b.) All charges on the Church property, for which no guarantee has been given by the Treasury before the passing of this Act shall be charged on the Consolidated Fund of Ireland, but shall not be guaranteed by the Treasury nor charged on the Consolidated Fund of the United Kingdom.

(2.) Subject to any existing charges on the Church property, such property shall belong to the Irish Government and any portion of the annual revenue thereof which the Treasury, on the application of the Irish Government, certify at the end of any financial year not to be required for meeting charges, shall be paid over and applied as part of the public revenues under the control of the Irish Government.

A.D. 1886. — (3.) As soon as all charges on the Church property guaranteed by the Treasury have been paid, such property may be managed and administered, and subject to existing charges thereon disposed of, and the income or proceeds thereof applied, in such manner as the Irish Legislature may from time to time direct.

32 & 33 Vict.
c. 42.
44 & 45 Vict.
c. 71. (4.) "Church property" in this section means all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Act Amendment Act, 1881.

Public
loans.

17.—(1.) All sums due for principal or interest to the Public Works Loan Commissioners or to the Commissioners of Public Works in Ireland in respect of existing loans advanced on any security in Ireland shall on and after the appointed day be due to the Government of Ireland instead of the said Commissioners, and such body of persons as the Government of Ireland may appoint for the purpose shall have all the powers of the said Commissioners or their secretary for enforcing payment of such sums, and all securities for such sums given to such Commissioners or their secretary shall have effect as if the said body were therein substituted for those Commissioners or their secretary.

(2.) For the repayment of the said loans to the Consolidated Fund of the United Kingdom the Irish Government shall pay annually into that fund by half-yearly payments on the *first day of January* and the *first day of July*, or on such other days as may be agreed on, such instalments of the principal of the said loans as will discharge all the loans within *thirty years* from the appointed day, and shall also pay interest half yearly on so much of the said principal as from time to time remains unpaid at the rate of *three* per cent. per annum, and such instalments of principal and interest shall be paid out of the moneys carried to the customs and excise account under this Act, and if those are insufficient, out of the Consolidated Fund of Ireland.

Additional
aid in case
of war.

18. If Her Majesty declares that a state of war exists and is pleased to signify such declaration to the Irish Legislative Body by speech or message, it shall be lawful for the Irish Legislature to appropriate a further sum out of the Consolidated Fund of Ireland in aid of the army or navy, or other measures which Her Majesty may take for the prosecution of the war and defence of the realm, and to provide and raise money for that purpose; and all moneys so provided and raised, whether by loan, taxation, or otherwise, shall be paid into the Consolidated Fund of the United Kingdom.

Money bills
and votes.

19.—(1.) It shall not be lawful for the Irish Legislative Body to adopt or pass any vote, resolution, address, or Bill for the raising or appropriation for any purpose of any part of the public

revenue of Ireland, or of any tax, duty, or impost, except in pursuance of a recommendation from Her Majesty signified through the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed. A.D. 1886.

(2.) Notwithstanding that the Irish Legislature is prohibited by this Act for making laws relating to certain subjects, that Legislature may, with the assent of Her Majesty in Council first obtained, appropriate any part of the Irish public revenue, or any tax, duty, or impost imposed by such Legislature, for the purpose of, or in connexion with, such subjects.

20.—(1.) On and after the appointed day, the Exchequer Division of the High Court of Justice shall continue to be a Court of Exchequer for revenue purposes under this Act, and whenever any vacancy occurs in the office of any judge of such Exchequer Division, his successor shall be appointed by Her Majesty on the joint recommendation of the Lord Lieutenant of Ireland and the Lord High Chancellor of Great Britain. Exchequer
Division
and revenue
actions.

(2.) The judges of such Exchequer Division appointed after the passing of this Act shall be removable only by Her Majesty on address from the two Houses of the Imperial Parliament, and shall receive the same salaries and pensions as those payable at the passing of this Act to the existing judges of such division, unless with the assent of Her Majesty in Council first obtained, the Irish Legislature alters such salaries or pensions, and such salaries and pensions shall be paid out of the moneys carried to the customs and excise account in pursuance of this Act, and if the same are insufficient shall be paid out of the Irish Consolidated Fund, and if not so paid shall be paid out of the Consolidated Fund of the United Kingdom.

(3.) An alteration of any rules relating to the procedure in such legal proceedings as are mentioned in this section shall not be made except with the approval of the Lord High Chancellor of Great Britain, and the sittings of the Exchequer division and the judges thereof shall be regulated with the like approval.

(4.) All legal proceedings instituted in Ireland by or against the Commissioners or any officers of custom or excise, or the Treasury, shall, if so required by any party to such proceedings, be heard and determined before the judges of such Exchequer division, or some or one of them, and any appeal from the decision in any such legal proceeding, if by a judge, shall lie to the said division, and if by the Exchequer division, shall lie to the House of Lords, and not to any other tribunal; and if it is made to appear to such judges, or any of them, that any decree or judgment in any such proceeding as aforesaid, has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judges or judge shall appoint some officer to enforce such judgment or decree; and it shall be the duty of

A.D. 1886. — such officer to take proper steps to enforce the same, and for that purpose such officer and all persons employed by him shall be entitled to the same immunities, powers, and privileges as are by law conferred on a sheriff and his officers.

(5.) All sums recovered in respect of duties of Customs and Excise, or under any Act relating thereto, or by an officer of Customs or Excise, shall, notwithstanding anything in any other Act, be paid to the Treasury, and carried to the Customs and Excise account under this Act.

Police.

Police.

21. The following regulations shall be made with respect to police in Ireland :

(a.) The Dublin Metropolitan Police shall continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty for a period of *two years* from the passing of this Act, and thereafter until any alteration is made by Act of the Legislature of Ireland, but such Act shall provide for the proper saving of all then existing interests, whether as regards pay, pensions, superannuation allowances, or otherwise.

(b.) The Royal Irish Constabulary shall, while that force subsists, continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty.

(c.) The Irish Legislature may provide for the establishment and maintenance of a police force in counties and boroughs in Ireland under the control of local authorities, and arrangements may be made between the Treasury and the Irish Government for the establishment and maintenance of police reserves.

A.D. 1886.

PART II.

SUPPLEMENTAL PROVISIONS.

Powers of Her Majesty.

22. On and after the appointed day there shall be reserved to Her Majesty—

Power over certain lands reserved to Her Majesty.

(1.) The power of erecting forts, magazines, arsenals, dockyards, and other buildings for military or naval purposes;

(2.) The power of taking waste land, and, on making due compensation, any other land, for the purpose of erecting such forts, magazines, arsenals, dockyards, or other buildings as aforesaid, and for any other military or naval purpose, or the defence of the realm.

Legislative Body.

23. If a Bill or any provision of a Bill is lost by disagreement between the two orders of the Legislative Body, and after a period ending with a dissolution of the Legislative Body, or the period of *three years* whichever period is longest, such Bill, or a Bill containing the said provision, is again considered by the Legislative Body, and such Bill or provision is adopted by the second order and negatived by the first order, the same shall be submitted to the whole Legislative Body, both orders of which shall vote together on the Bill or provision, and the same shall be adopted or rejected according to the decision of the majority of the members so voting together.

Veto by first order of Legislative Body, how overruled.

24. On and after the appointed day Ireland shall cease, except in the event hereafter in this Act mentioned, to return representative peers to the House of Lords or members to the House of Commons, and the persons who on the said day are such representative peers and members shall cease as such to be members of the House of Lords and House of Commons respectively.

Cesser of power of Ireland to return members to Parliament.

Decision of Constitutional Questions.

25. Questions arising as to the powers conferred on the Legislature of Ireland under this Act shall be determined as follows :—

(a.) If any such question arises on any Bill passed by the Legislative Body, the Lord Lieutenant may refer such question to Her Majesty in Council;

Constitutional questions to be submitted to Judicial Committee.

- A.D. 1886. (b.) If, in the course of any action or other legal proceeding, such question arises on any Act of the Irish Legislature, any party to such action or other legal proceeding may, subject to the rules in this section mentioned, appeal from a decision on such question to Her Majesty in Council ;
- (c.) If any such question arises otherwise than as aforesaid on any Act of the Irish Legislature, the Lord Lieutenant or one of Her Majesty's principal Secretaries of State may refer such question to Her Majesty in Council ;
- (d.) Any question referred or appeal brought under this section to Her Majesty in Council shall be referred for the consideration of the Judicial Committee of the Privy Council ;
- (e.) The decision of Her Majesty in Council on any question referred or appeal brought under this section shall be final, and a Bill which may be so decided to be, or contain a provision, in excess of the powers of the Irish Legislature shall not be assented to by the Lord Lieutenant ; and a provision of any Act which is so decided to be in excess of the powers of the Irish Legislature shall be void ;
- (f.) There shall be added to the Judicial Committee when sitting for the purpose of considering questions under this section, such members of Her Majesty's Privy Council, being or having been Irish judges, as to Her Majesty may seem meet ;
- (g.) Her Majesty may, by Order in Council from time to time, make rules as to the cases and mode in which and the conditions under which, in pursuance of this section, questions may be referred and appeals brought to Her Majesty in Council, and as to the consideration thereof by the Judicial Committee of the Privy Council, and any rules so made shall be of the same force as if they were enacted in this Act ;
- (h.) An appeal shall not lie to the House of Lords in respect of any question in respect of which an appeal can be had to Her Majesty in Council in pursuance of this section.

Lord Lieutenant.

Office of
Lord
Lieutenant

26.—(1.) Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of Her Majesty shall be eligible to hold and enjoy the office of Lord Lieutenant of Ireland, without reference to his religious belief.

(2.) The salary of the Lord Lieutenant shall continue to be

charged on the Consolidated Fund of the United Kingdom, and the expenses of his household and establishment shall continue to be defrayed out of moneys to be provided by Parliament. A.D. 1886.

(3.) All existing powers vested by Act of Parliament or otherwise in the Chief Secretary for Ireland may, if no such officer is appointed, be exercised by the Lord Lieutenant until other provision is made by Act of the Irish Legislature.

(4.) The Legislature of Ireland shall not pass any Act relating to the office or functions of the Lord Lieutenant of Ireland.

Judges and Civil Servants.

27. A Judge of the Supreme Court of Judicature or other superior Court of Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address to Her Majesty from both orders of the Legislative Body voting separately, nor shall his salary be diminished or right to pension altered during his continuance in office. Judges to be removable only on address.

28.—(1.) All persons who at the passing of this Act are judges of the Supreme Court of Judicature or county court judges, or hold any other judicial position in Ireland, shall, if they are removable at present on address to Her Majesty of both Houses of Parliament, continue to be removable only upon such address from both Houses of the Imperial Parliament, and if removable in any other manner shall continue to be removable in like manner as heretofore; and such persons, and also all persons at the passing of this Act in the permanent civil service of the Crown in Ireland whose salaries are charged on the Consolidated Fund of the United Kingdom, shall continue to hold office and to be entitled to the same salaries, pensions, and superannuation allowances as heretofore, and to be liable to perform the same or analogous duties as heretofore; and the salaries of such persons shall be paid out of the moneys carried to the customs and excise account under this Act, or if these moneys are insufficient, out of the Irish Consolidated Fund, and if the same are not so paid, shall continue charged on the Consolidated Fund of the United Kingdom. Provision as to judges and other persons having salaries charged on the Consolidated Fund.

(2.) *If any of the said persons retires from office with the approbation of Her Majesty before he has completed the period of service entitling him to a pension, it shall be lawful for Her Majesty, if she thinks fit, to grant to that person such pension, not exceeding the pension to which he would have been entitled if he had completed the said period of service, as to Her Majesty seems meet.*

A.D. 1886.

As to persons holding civil service appointments.

29.—(1). All persons not above provided for and at the passing of this Act serving in Ireland in the permanent civil service of the Crown shall continue to hold their offices and receive the same salaries, and to be entitled to the same gratuities and superannuation allowances as heretofore, and shall be liable to perform the same duties as heretofore or duties of similar rank, but any of such persons shall be entitled at the expiration of *two years* after the passing of this Act to retire from office, and at any time if required by the Irish Government shall retire from office, and on any such retirement shall be entitled to receive such payment as the Treasury may award to him in accordance with the provisions contained in the Fourth Schedule to this Act.

(2.) The amount of such payment shall be paid to him out of the moneys carried to the customs and excise account under this Act, or, if those moneys are insufficient, out of the Irish Consolidated Fund, *and so far as the same are not so paid shall be paid out of moneys provided by Parliament.*

34 & 35 Vict.
c. 36.

(3.) The Pensions Commutation Act, 1871, shall apply to all persons who, having retired from office, are entitled to any annual payment under this section, in like manner as if they had retired in consequence of the abolition of their offices.

(4.) This section shall not apply to persons who are retained in the service of the Imperial Government.

Provision for existing pensions and superannuation allowances

30. Where before the passing of this Act any pension or superannuation allowance has been granted to any person on account of service as a judge of the Supreme Court of Judicature of Ireland or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or on account of service in the permanent civil service of the Crown in Ireland otherwise than in some office the holder of which is, after the passing of this Act, retained in the service of the Imperial Government, such pension or allowance, whether payable out of the Consolidated Fund or out of moneys provided by Parliament, shall continue to be paid to such person, and shall be so paid out of the moneys carried to the customs and excise account under this Act, or, if such moneys are insufficient, out of the Irish Consolidated Fund, and so far as the same is not so paid, shall be paid as heretofore out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

Transitory Provisions.

Transitory provisions in schedule.

31. The provisions contained in the Fifth Schedule to this Act relating to the mode in which arrangements are to be made for setting in motion the Irish Legislative Body and Government and for the transfer to the Irish Government of the powers and

duties to be transferred to them under this Act, or for otherwise bringing this Act into operation, shall be of the same effect as if they were enacted in the body of this Act. A.D. 1886.

Miscellaneous.

32. Whenever an Act of the Legislature of Ireland has provided for carrying on the postal and telegraphic service with respect to the transmission of letters and telegrams in Ireland, and the post office and other savings banks in Ireland, and for protecting the officers then in such service, and the existing depositors in such post office savings banks, the Treasury shall make arrangements for the transfer of the said service and banks, in accordance with the said Act, and shall give public notice of the transfer, and shall pay all depositors in such post office savings banks who request payment within *six months* after the date fixed for such transfer, and after the expiration of such *six months* the said depositors shall cease to have any claim against the Postmaster General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Consolidated Fund of Ireland, and the Treasury shall cause to be transferred in accordance with the said Act the securities representing the sums due to the said depositors in post office savings banks and the securities held for other savings banks. Post office and savings banks.

33. Save as otherwise provided by the Irish Legislature,— Audit.

(a.) The existing law relating to the Exchequer and the Consolidated Fund of the United Kingdom shall apply to the Irish Exchequer and Consolidated Fund, and an officer shall from time to time be appointed by the Lord Lieutenant to fill the office of the Comptroller General of the receipt and issue of Her Majesty's Exchequer and Auditor General of public accounts so far as respects Ireland; and

(b.) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of the holder of such office. 29 & 30 Vict. c. 39.

34.—(1.) The privileges, immunities, and powers to be held, enjoyed, and exercised by the Irish Legislative Body, and the members thereof, shall be such as are from time to time defined by Act of the Irish Legislature, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the House of Commons, and by the members thereof. Application of parliamentary law.

(2.) Subject as in this Act mentioned, all existing laws and

A.D. 1886 — customs relating to the members of the House of Commons and their election, including the enactments respecting the questioning of elections, corrupt and illegal practices, and registration of electors, shall, so far as applicable, extend to elective members of the first order and to members of the second order of the Irish Legislative Body.

Provided that—

- (a.) The law relating to the offices of profit enumerated in Schedule H. to the Representation of the People Act, 1867, shall apply to such offices of profit in the government of Ireland not exceeding ten, as the Legislature of Ireland may from time to time direct ;
- (b.) After the first dissolution of the Legislative Body, the Legislature of Ireland may, subject to the restrictions in this Act mentioned, alter the laws and customs in this section mentioned.

Regulations
for carrying
Act into
effect.

35.—(1.) The Lord Lieutenant of Ireland may make regulations for the following purposes :—

- (a.) The summoning of the Legislative Body and the election of a speaker, and such adaptation to the proceedings of the Legislative Body of the procedure of the House of Commons as appears to him expedient for facilitating the conduct of business by that body on their first meeting ;
- (b.) The adaptation of any law relating to the election of representative peers ;
- (c.) The adaptation of any laws and customs relating to the House of Commons or the members thereof to the elective members of the first order and to members of the second order of the Legislative Body ; and
- (d.) The mode of signifying their assent or election under this Act by representative peers or Irish members of the House of Commons as regards becoming members of the Irish Legislative Body in pursuance of this Act.

(2.) Any regulations so made shall, in so far as they concern the procedure of the Legislative Body, be subject to alteration by Standing Orders of that Body, and so far as they concern other matters, be subject to alteration by the Legislature of Ireland, but shall, until alteration, have the same effect as if they were inserted in this Act.

Saving of
powers of
House of
Lords.

36. Save as in this Act provided with respect to matters to be decided by Her Majesty in Council, nothing in this Act shall affect the appellate jurisdiction of the House of Lords in respect of actions and suits in Ireland, or the jurisdiction of the House of Lords to determine the claims to Irish peerages.

37. Save as herein expressly provided all matters in relation to which it is not competent for the Irish Legislative Body to make or repeal laws shall remain and be within the exclusive authority of the Imperial Parliament save as aforesaid, whose power and authority in relation thereto shall in nowise be diminished or restrained by anything herein contained.

A.D. 1886.

Saving of rights of Parliament.

38.—(1.) Except as otherwise provided by this Act, all existing laws in force in Ireland, and all existing courts of civil and criminal jurisdiction, and all existing legal commissions, powers, an authorities, and all existing officers, judicial, administrative, an ministerial and all existing taxes, licence, and other duties, fees and other receipts in Ireland shall continue as if this Act had not been passed; subject, nevertheless, to be repealed, abolished, or altered in manner and to the extent provided by this Act; provided that, subject to the provisions of this Act, such taxes, duties, fees, and other receipts shall, after the appointed day, form part of the public revenues of Ireland.

Continuance of existing laws, courts, officers, &c.

(2.) The Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of such Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of excise or customs, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyance used in connexion therewith, or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, selling, or having the custody or possession of the same as they would have had if this Act had not been passed.

39.—(1.) On and after the appointed day this Act shall not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered except—

Mode of alteration of Act.

(a.) by Act of the Imperial Parliament and with the consent of the Irish Legislative Body testified by an address to Her Majesty, or

(b.) by an Act of the Imperial Parliament, for the passing of which there shall be summoned to the House of Lords the peerage members of the first order of the Irish Legislative Body, and if there are no such members then twenty-eight Irish representative peers elected by the Irish peers in manner heretofore in use, subject to adaptation as provided by this Act; and there shall be summoned to the House of Commons such one of the members of each constituency, or in the case of a constituency returning four members such two of those members, as the Legislative Body of Ireland

A.D. 1886.
—

may select, and such peers and members shall respectively be deemed, for the purpose of passing any such Act, to be members of the said Houses of Parliament respectively.

(2.) For the purposes of this section it shall be lawful for Her Majesty by Order in Council to make such provisions for summoning the said peers of Ireland to the House of Lords and the said members from Ireland to the House of Commons as to Her Majesty may seem necessary or proper, and any provisions contained in such Order in Council shall have the same effect as if they had been enacted by Parliament.

Definitions.

40. In this Act—

The expression “the appointed day” shall mean such day after the *thirty-first day of March in the year one thousand eight hundred and eighty-seven* as may be determined by order of Her Majesty in Council.

The expression “Lord Lieutenant” includes the lords justices or any other chief governor or governors of Ireland for the time being.

The expression “Her Majesty the Queen,” or “Her Majesty,” or “the Queen,” includes the heirs and successors of Her Majesty the Queen.

The expression “Treasury” means the Commissioners of Her Majesty’s Treasury.

The expression “Treaty” includes any convention or arrangement.

The expression “existing” means existing at the passing of this Act.

The expression “existing constituency” means any county or borough, or division of a county or borough, or a University, returning at the passing of this Act a member or members to serve in Parliament.

The expression “duties of excise” does not include a duty received in respect of any license whether for the sale of intoxicating liquors or otherwise.

The expression “financial year” means the twelve months ending on the *thirty-first day of March*.

Short title
of Act.

41. This Act may be cited for all purposes as the Irish Government Act, 1886.

FIRST SCHEDULE.

A.D. 1886.

FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

Electoral Districts.	Number of Members.	Rotation.

SECOND SCHEDULE.

PROVISIONS RELATING TO THE FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

THIRD SCHEDULE.

BOUNDARIES OF DIVISIONS OF THE CITY OF CORK FOR THE PURPOSE OF RETURNING MEMBERS TO THE SECOND ORDER OF THE LEGISLATIVE BODY.

FOURTH SCHEDULE.

PROVISIONS AS TO SUPERANNUATION ALLOWANCES OF PERSONS IN THE PERMANENT CIVIL SERVICE

FIFTH SCHEDULE.

TRANSITORY PROVISIONS.

APPENDIX B.

LAND PURCHASE BILL, 1886.

[SECTIONS 25 to 28.]

Financial Arrangements.

A.D. 1886.

Appoint-
ment of
Receiver
General of
Ireland.

25. The Treasury shall from time to time appoint a Receiver General of the public revenues of Ireland (in this Act referred to as the Irish Receiver General), and such deputies or deputy to act under him in any part or parts of Ireland as to the Treasury seem necessary for the execution of this Act. Such Receiver General and deputies shall hold office as persons serving in an established capacity in the permanent civil service of the State, and shall be subject generally to the directions of the Treasury, *and shall be paid out of moneys provided by the Imperial Parliament such salaries as the Treasury from time to time assign.*

Collection
and pay-
ment of
land
revenue.

26. All sums payable by tenants of holdings vested in them in pursuance of this Act, and all sums receivable by the State authority in pursuance of this Act, whether as capital or income, from any estates which are vested in them or over which they have any right, or from which they derive any profit (which sums are in this Act referred to as land revenues), shall be collected by such collectors as the Irish Government may from time to time appoint for that purpose.

Taxes, &c.,
payable to
Receiver
General.

27.—(1.) There shall be paid to the Irish Receiver General all sums collected by a collector in respect of any tax, duty, or impost imposed or levied by or under the direction of the Irish Legislature for the public service in Ireland or collected by a collector in respect of the land revenues under this Act, and all sums other than those above mentioned and payable on account or in respect of the public revenues of the Government of Ireland, whatever collector or person is liable to pay the same.

(2.) There shall also be paid to the Irish Receiver General all moneys directed by the Irish Government Act, 1886, to be carried to the customs and excise account.

(3.) If default is made in payment to the Irish Receiver General of any sum by this section required to be paid to him by any person, the person who makes such default, and the

person who receives such sum, in respect of which such default is made, and every person, whether a member of a corporation or not, who is privy to such default, shall forfeit double such sum to Her Majesty, and the Irish Receiver General or one of his deputies shall take proceedings to recover such sum, and the sum when recovered shall be paid into the Consolidated Fund of the United Kingdom. A.D. 1886.

(4.) If the Irish Receiver General under this Act or any of his deputies is guilty of any malfeasance in his office, he shall forfeit to Her Majesty all sums lost by such malfeasance, and also such penal sum not exceeding *five hundred pounds*, as the Court in which the forfeiture is sued for may determine; and such forfeiture and penal sum may be recovered by action on behalf of the Irish Government, and when recovered shall be paid to the Irish Consolidated Fund.

(5.) Every action or legal proceeding by or against the Irish Receiver General or any of his deputies or deputy shall, if either of the parties thereto so desire, be heard and determined by the Exchequer Division, or one of the judges thereof, and the provisions of the Irish Government Act, 1886, with respect to legal proceedings by or against the Commissioners of Customs in the Exchequer Division, shall apply in like manner as if those provisions were herein re-enacted, and in terms made applicable to the Irish Receiver General, and such Exchequer Division shall have for such purpose the same powers as at the passing of this Act are vested in any Division of the High Court of Justice.

28.—(1.) The Irish Receiver General shall apply all sums received by him:

Application
of sums
received
by Irish
Receiver
General.

First, in paying all sums payable out of the moneys carried under the Irish Government Act, 1886, to the account therein called the customs and excise account, and

Secondly, in paying all sums directed by this Act to be paid out of the land revenues, or out of moneys coming to the hands of such Receiver General.

(2.) The Receiver General shall pay all sums which are not, or in his opinion are not likely to be, required for making the above-mentioned payments to the Irish Consolidated Fund.

APPENDIX C.

GOVERNMENT OF IRELAND BILL, 1893.

ARRANGEMENT OF CLAUSES.

PART I.

Legislative Authority.

Clause.

1. Establishment of Irish Legislature.
2. Powers of Irish Legislature.
3. Exceptions from powers of Irish Legislature.
4. Restrictions on powers of Irish Legislature.

Executive Authority.

5. Executive power in Ireland.

Constitution of Legislature.

6. Composition of Irish Legislative Council.
7. Composition of Irish Legislative Assembly.
8. Disagreement between two Houses, how settled.

Irish Representation in House of Commons.

9. Representation in Parliament of Irish counties and boroughs.

Finance.

10. As to separate Consolidated Fund and taxes.
11. Hereditary revenues and income tax.
12. Financial arrangements as between United Kingdom and Ireland.
13. Treasury Account (Ireland).
14. Charges on Irish Consolidated Fund.
15. Irish Church Fund.
16. Local loans.
17. Adaptation of Acts as to Local Taxation Accounts and probate, &c. duties.
18. Money bills and votes.
19. Exchequer judges for revenue actions, election petitions, &c.

Post Office Postal Telegraphs and Savings Banks.

Clause.

20. Transfer of post office and postal telegraphs.
21. Transfer of savings banks.

Irish Appeals and Decision of Constitutional Questions.

22. Irish appeals.
23. Special provision for decision of constitutional questions.

Lord Lieutenant and Crown Lands.

24. Office of Lord Lieutenant.
25. Use of Crown lands by Irish Government.

Judges and Civil Servants.

26. Tenure of future judges.
27. As to existing judges and other persons having salaries charged on the Consolidated Fund.
28. As to persons holding civil service appointments.
29. As to existing pensions and superannuation allowances.

Police.

30. As to Police.

Miscellaneous.

31. Irish Exchequer Consolidated Fund and Audit.
32. Law applicable to both Houses of Irish Legislature.
33. Supplemental provisions as to powers of Irish Legislature.
34. Limitation on borrowing by local authorities.

Transitory Provisions.

35. Temporary restriction on powers of Irish Legislature and Executive.
36. Transitory provisions.
37. Continuance of existing laws, courts, officers, &c.
38. Appointed day.
39. Definitions.
40. Short title.

SCHEDULES.

A B I L L

TO AMEND

A. D. 1893. *The provision for the Government of Ireland, 1893.*

[56 VICT.]

WHEREAS it is expedient that without impairing or restricting the supreme authority of Parliament, an Irish Legislature should be created for such purposes in Ireland as in this Act mentioned :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

Legislative Authority.

Establish-
ment of
Irish Legis-
lature.

1. *On and after the appointed day* there shall be in Ireland a Legislature consisting of Her Majesty the Queen and of two Houses, the Legislative Council and the Legislative Assembly.

Powers of
Irish Legis-
lature.

2. With the exceptions and subject to the restrictions in this Act mentioned, there shall be granted to the Irish Legislature power to make laws for the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or some part thereof.

Exceptions
from powers
of Irish
Legislature.

3. The Irish Legislature shall not have power to make laws in respect of the following matters or any of them :—

- (1.) The Crown, or the succession to the Crown, or a Regency ;
or the Lord Lieutenant as representative of the Crown ;
or
- (2.) The making of peace or war or matters arising from a
state of war ; or
- (3.) Naval or military forces, or the defence of the realm ; or
- (4.) Treaties and other relations with foreign States or the
relations between different parts of Her Majesty's
dominions or offences connected with such treaties or
relations ; or

- (5.) Dignities or titles of honour ; or A.D. 1893.
 (6.) Treason, treason-felony, alienage, or naturalization ; or
 (7.) Trade with any place out of Ireland ; or quarantine, or navigation (except as respects inland waters and local health or harbour regulations) ; or
 (8.) Beacons, lighthouses, or sea marks (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local harbour authority) ; or
 (9.) Coinage ; legal tender ; or the standard of weights and measures ; or
 (10.) Trade marks, merchandise marks, copyright, or patent rights.

Any law made in contravention of this section shall be void.

4. The powers of the Irish Legislature shall not extend to the making of any law— Restrictions on powers of Irish Legislature.

- (1.) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or
 (2.) Imposing any disability, or conferring any privilege, on account of religious belief ; or
 (3.) Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity ; or
 (4.) Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school ; or
 (5.) Whereby any person may be deprived of life, liberty, or property without due process of law, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation ; or
 (6.) Whereby any existing corporation incorporated by Royal Charter or by any local or general Act of Parliament (not being a corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised) may, unless it consents, or the leave of Her Majesty is first obtained on address from the two Houses of the Irish Legislature, be deprived of its rights, privileges, or property without due process of law ; or
 (7.) Whereby any inhabitant of the United Kingdom may be deprived of equal rights as respects public sea fisheries.

Any law made in contravention of this section shall be void.

A.D. 1893.

*Executive Authority.*Executive
power in
Ireland.

5.—(1.) The executive power in Ireland shall continue vested in Her Majesty the Queen, and the Lord Lieutenant, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen the exercise of which may be delegated to him by Her Majesty, and shall, in Her Majesty's name, summon, prorogue, and dissolve the Irish Legislature.

(2.) There shall be an Executive Committee of the Privy Council of Ireland to aid and advise in the government of Ireland, being of such numbers, and comprising persons holding such offices, as Her Majesty may think fit, or as may be directed by Irish Act.

(3.) The Lord Lieutenant shall, on the advice of the said Executive Committee, give or withhold the assent of Her Majesty to Bills passed by the two Houses of the Irish Legislature, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill.

*Constitution of Legislature.*Composition
of Irish
Legislative
Council.

6.—(1.) The Irish Legislative Council shall consist of *forty-eight* councillors.

(2.) Each of the constituencies mentioned in the First Schedule to this Act shall return the number of councillors named opposite thereto in that schedule.

(3.) Every man shall be entitled to be registered as an elector, and when registered to vote at an election, of a councillor for a constituency, who owns or occupies any land or tenement in the constituency of a rateable value of more than *twenty* pounds, subject to the like conditions as a man is entitled at the passing of this Act to be registered and vote as a parliamentary elector in respect of an ownership qualification or of the qualification specified in section five of the Representation of the People Act, 1884, as the case may be: Provided that a man shall not be entitled to be registered, nor if registered to vote, at an election of a councillor in more than one constituency in the same year.

(4.) The term of office of every councillor shall be *eight* years, and shall not be affected by a dissolution; and one *half* of the councillors shall retire in every *fourth* year, and their seats shall be filled by a new election.

Composition
of Irish
Legislative
Assembly.

7.—(1.) The Irish Legislative Assembly shall consist of *one hundred and three* members, returned by the existing parliamentary constituencies in Ireland, or the existing divisions thereof, and elected by the parliamentary electors for the time being in those constituencies or divisions.

48 & 49 Vict.
c. 3.

(2.) The Irish Legislative Assembly when summoned may, A.D. 1893. unless sooner dissolved, have continuance for *five* years from the day on which the summons directs it to meet and no longer.

(3.) After *six* years from the passing of this Act, the Irish Legislature may alter the qualification of the electors, and the constituencies, and the distribution of the members among the constituencies, provided that in such distribution due regard is had to the population of the constituencies.

8. If a Bill or any provision of a Bill adopted by the Legislative Assembly is lost by the disagreement of the Legislative Council, and after a dissolution, or the period of *two years* from such disagreement, such Bill, or a Bill for enacting the said provision, is again adopted by the Legislative Assembly and fails within three months afterwards to be adopted by the Legislative Council, the same shall forthwith be submitted to the members of the two Houses deliberating and voting together thereon, and shall be adopted or rejected according to the decision of the majority of those members present and voting on the question.

Disagree-
ment
between two
Houses, how
settled.

Irish Representation in House of Commons.

9. Unless and until Parliament otherwise determines, the following provisions shall have effect—

Representa-
tion in
Parliament
of Irish
counties and
boroughs.

- (1.) After *the appointed day* each of the constituencies named in the Second Schedule to this Act shall return to serve in Parliament the number of members named opposite thereto in that schedule, and no more, and Dublin University shall cease to return any member.
- (2.) The existing divisions of the constituencies shall, save as provided in that schedule, be abolished.
- (3.) An Irish representative peer in the House of Lords and a member of the House of Commons for an Irish constituency shall not be entitled to deliberate or vote on—
 - (a) any Bill or motion in relation thereto, the operation of which Bill or motion is confined to Great Britain or some part thereof; or
 - (b) any motion or resolution relating solely to some tax not raised or to be raised in Ireland; or
 - (c) any vote or appropriation of money made exclusively for some service not mentioned in the Third Schedule to this Act; or
 - (d) any motion or resolution exclusively affecting Great Britain or some part thereof or some local authority or some person or thing therein; or

A.D. 1893.

- (e) any motion or resolution, incidental to any such motion or resolution as either is last mentioned, or relates solely to some tax not raised or be raised in Ireland, or incidental to any such vote or appropriation of money as aforesaid.
- (4.) Compliance with the provisions of this section shall not be questioned otherwise than in each House in manner provided by the House.
- (5.) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to parliamentary elections, be altered by the Irish Legislature, but this enactment shall not prevent the Irish Legislature from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for Her Majesty by Order in Council to arrange for the issue of such writs, and the writs issued in pursuance of such Order shall be of the same effect as if issued in manner heretofore accustomed.

Finance.

As to
separate
Consoli-
dated Fund
and taxes.

10.—(1.) *On and after the appointed day* there shall be an Irish Exchequer and Consolidated Fund separate from those of the United Kingdom.

(2.) The duties of customs and excise and the duties on postage shall be imposed by Act of Parliament, but subject to the provisions of this Act the Irish Legislature may, in order to provide for the public service of Ireland, impose any other taxes.

(3.) Save as in this Act mentioned, all matters relating to the taxes in Ireland and the collection and management thereof shall be regulated by Irish Act, and the same shall be collected and managed by the Irish Government and form part of the public revenues of Ireland: Provided that—

- (a) the duties of customs shall be regulated, collected, managed, and paid into the Exchequer of the United Kingdom as heretofore; and
- (b) all prohibitions in connexion with the duties of excise, and so far as regards articles sent out of Ireland, all matters relating to those duties, shall be regulated by Act of Parliament; and
- (c) the excise duties on articles consumed in Great Britain shall be paid in Great Britain or to an officer of the Government of the United Kingdom.
- (4.) Save as in this Act mentioned, all the public revenues

of Ireland shall be paid into the Irish Exchequer and form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act. A.D. 1893.

(5.) If the duties of excise are increased above the rates in force on the first day of March one thousand eight hundred and ninety-three, the net proceeds in Ireland of the duties in excess of the said rates, shall be paid from the Irish Exchequer to the Exchequer of the United Kingdom.

(6.) If the duties of excise are reduced below the rates in force on the said day, and the net proceeds of such duties in Ireland are in consequence less than the net proceeds of the duties before the reduction, a sum equal to the deficiency shall, unless it is otherwise agreed between the Treasury and the Irish Government, be paid from the Exchequer of the United Kingdom to the Irish Exchequer.

11.—(1.) The hereditary revenues of the Crown in Ireland which are managed by the Commissioners of Woods shall continue during the life of Her present Majesty to be managed and collected by those Commissioners, and the net amount payable by them to the Exchequer on account of those revenues, after deducting all expenses (but including an allowance for interest on such proceeds of the sale of those revenues as have not been re-invested in Ireland), shall be paid into the Treasury Account (Ireland) herein-after mentioned, for the benefit of the Irish Exchequer. Hereditary revenues and income tax.

(2.) A person shall not be required to pay income tax in Great Britain in respect of property situate or business carried on in Ireland, and a person shall not be required to pay income tax in Ireland in respect of property situate or business carried on in Great Britain.

(3.) For the purpose of giving to Ireland the benefit of the difference between the income tax collected in Great Britain from British, Colonial, and foreign securities held by residents in Ireland, and the income tax collected in Ireland from Irish securities held by residents in Great Britain, there shall be made to Ireland out of the income tax collected in Great Britain, an allowance of such amount as may be from time to time determined by the Treasury, in accordance with a minute of the Treasury laid before Parliament before the appointed day, and such allowance shall be paid into the Treasury Account (Ireland) for the benefit of the Irish Exchequer.

(4.) Provided that the provisions of this section with respect to income tax shall not apply to any excess of the rate of income tax in Great Britain above the rate in Ireland or of the rate of income tax in Ireland above the rate in Great Britain.

A.D. 1893.

Financial
arrange-
ments as
between
United
Kingdom
and Ireland.

12.—(1.) The duties of customs contributed by Ireland and, save as provided by this Act, that portion of any public revenue of the United Kingdom to which Ireland may claim to be entitled, whether specified in the Third Schedule to this Act or not, shall be carried to the Consolidated Fund of the United Kingdom, as the contribution of Ireland to Imperial liabilities and expenditure as defined in that Schedule.

(2.) The civil charges of the Government in Ireland shall, subject as in this Act mentioned, be borne after the appointed day by Ireland.

(3.) After *fifteen* years from the passing of this Act the arrangements made by this Act for the contribution of Ireland to Imperial liabilities and expenditure, and otherwise for the financial relations between the United Kingdom and Ireland, may be revised in pursuance of an address to Her Majesty from the House of Commons, or from the Irish Legislative Assembly.

Treasury
Account
(Ireland).

13.—(1.) There shall be established under the direction of the Treasury an account (in this Act referred to as the Treasury Account (Ireland)).

(2.) There shall be paid into such account all sums payable from the Irish Exchequer to the Exchequer of the United Kingdom, or from the latter to the former Exchequer, and all sums directed to be paid into the account for the benefit of either of the said Exchequers.

(3.) All sums, which are payable from either of the said Exchequers to the other of them, or being payable out of one of the said Exchequers are repayable by the other Exchequer, shall in the first instance be payable out of the said account so far as the money standing on the account is sufficient; and for the purpose of meeting such sums, the Treasury out of the customs revenue collected in Ireland, and the Irish Government out of any of the public revenues in Ireland, may direct money to be paid to the Treasury Account (Ireland) instead of into the Exchequer.

(4.) Any surplus standing on the account to the credit of either Exchequer, and not required for meeting payments, shall at convenient times be paid into that Exchequer, and where any sum so payable into the Exchequer of the United Kingdom is required by law to be forthwith paid to the National Debt Commissioners, that sum may be paid to those Commissioners without being paid into the Exchequer.

(5.) All sums payable by virtue of this Act out of the Consolidated Fund of the United Kingdom or of Ireland shall be payable from the Exchequer of the United Kingdom or Ireland, as the case may be, within the meaning of this Act, and all sums by this Act made payable from the Exchequer of the

United Kingdom shall, if not otherwise paid, be charged on and paid out of the Consolidated Fund of the United Kingdom. A.D. 1893. —.

14.—(1.) There shall be charged on the Irish Consolidated Fund in favour of the Exchequer of the United Kingdom as a first charge on that fund all sums which—

Charges on
Irish Con-
solidated
Fund.

(a) are payable to that Exchequer from the Irish Exchequer ;
or

(b) are required to repay to the Exchequer of the United Kingdom sums issued to meet the dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, or

54 & 55 Vict.
c. 48.

(c) otherwise have been or are required to be paid out of the Exchequer of the United Kingdom in consequence of the non-payment thereof out of the Exchequer of Ireland or otherwise by the Irish Government.

(2.) If at any time the Controller and Auditor General of the United Kingdom is satisfied that any such charge is due, he shall certify the amount of it, and the Treasury shall send such certificate to the Lord Lieutenant, who shall thereupon by order without any counter-signature, direct the payment of the amount from the Irish Exchequer to the Exchequer of the United Kingdom, and such order shall be duly obeyed by all persons, and until the amount is wholly paid no other payment shall be made out of the Irish Exchequer for any purpose whatever.

(3.) There shall be charged on the Irish Consolidated Fund next after the foregoing charge ;

(a) all sums, for dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, which the Land Purchase Account and the Guarantee Fund under that Act are insufficient to pay ;

54 & 55 Vict.
c. 48.

(b) all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund ;

(c) an annual sum of *five thousand* pounds for the expenses of the household and establishment of the Lord Lieutenant ;

(d) all existing charges on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant ; and

(e) the salaries and pensions of all judges of the Supreme Court or other superior court in Ireland or of any county or other like court, who are appointed after the passing of this Act, and are not the Exchequer judges hereafter mentioned.

A.D. 1893. (4.) Until all charges created by this Act upon the Irish Consolidated Fund and for the time being due are paid, no money shall be issued from the Irish Exchequer for any other purpose whatever.

Irish Church
Fund.
32 & 33 Vict.
c. 42.
44 & 45 Vict.
c. 71.

15.—(1.) All existing charges on the Church property in Ireland,—that is to say, all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Amendment Act, 1881—shall so far as not paid out of the said property be charged on the Irish Consolidated Fund, and any of those charges guaranteed by the Treasury, if and so far as not paid, shall be paid out of the Exchequer of the United Kingdom.

(2.) Subject to the existing charges thereon, the said Church property shall belong to the Irish Government, and be managed, administered, and disposed of as directed by Irish Act.

Local loans.

16.—(1.) All sums paid or applicable in or towards the discharge of the interest or principal of any local loan advanced before the appointed day on security in Ireland, or otherwise in respect of such loan, which but for this Act would be paid to the National Debt Commissioners, and carried to the Local Loans Fund shall, after the appointed day, be paid, until otherwise provided by Irish Act, to the Irish Exchequer.

(2.) For the payment to the Local Loans Fund of the principal and interest of such loans, the Irish Government shall after the appointed day pay by half yearly payments an annuity for *forty-nine* years, at the rate of *four* per cent on the principal of the said loans, exclusive of any sums written off before the appointed day from the account of assets of the Local Loans Fund, and such annuity shall be paid from the Irish Exchequer to the Exchequer of the United Kingdom, and when so paid shall be forthwith paid to the National Debt Commissioners for the credit of the Local Loans Fund.

(3.) After the appointed day, money for loans in Ireland shall cease to be advanced either by the Public Works Loan Commissioners or out of the Local Loans Fund.

Adaptation
of Acts as
to Local
Taxation
Accounts
and probate,
&c. duties.
See 50 & 51
Vict. c. 41.
54 & 55 Vict.
c. 48.

17.—(1.) So much of any Act as directs payment to the Local Taxation (Ireland) Account of any share of probate excise or customs duties payable to the Exchequer of the United Kingdom shall, together with any enactment amending the same, be repealed as from the appointed day without prejudice to the adjustment of balances after that day; but the like amounts shall continue to be paid to the Local Taxation Accounts in England and Scotland as would have been paid if this Act had not passed, and any residue of the said share shall be paid into the Exchequer of the United Kingdom.

(2.) The stamp duty chargeable in respect of the personalty

of a deceased person, shall not in the case of administration granted in Great Britain be chargeable in respect of any personalty situate in Ireland, nor in the case of administration granted in Ireland be chargeable in respect of any personalty situate in Great Britain; and any administration granted in Great Britain shall not, if re-sealed in Ireland, be exempt from stamp duty on administration granted in Ireland, and any administration granted in Ireland shall not, when re-sealed in Great Britain, be exempt from stamp duty on administration granted in Great Britain.

A.D. 1893.
—
See 21 & 22
Vict. c. 86.
ss. 12-18.
21 & 22 Vict.
c. 95. s. 29.
22 & 23 Vict.
c. 31. s. 25.
39 & 40 Vict.
c. 70. ss. 41-4.

(3.) In this section the expression "administration" means probate or letters of administration, and as respects Scotland, confirmation inclusive of the inventory required under the Acts relating to the said stamp duty, and the expression "personalty" means personal or moveable estate and effects.

18.—(1.) Bills for appropriating any part of the public revenue or for imposing any tax shall originate in the Legislative Assembly.

Money bills
and votes.

(2.) It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.

19.—(1.) Two of the judges of the Supreme Court in Ireland shall be Exchequer judges, and shall be appointed under the great seal of the United Kingdom; and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom.

Exchequer
judges for
revenue
actions,
election
petitions,
&c.

(2.) The Exchequer judges shall be removeable only by Her Majesty on address from the two Houses of Parliament, and each such judge shall, save as otherwise provided by Parliament, receive the same salary and be entitled to the same pension as is at the time of his appointment fixed for the puisne judges of the Supreme Court, and during his continuance in office his salary shall not be diminished, nor his right to pension altered, without his consent.

(3.) An alteration of any rules relating to such legal proceedings as are mentioned in this section shall not be made except with the approval of Her Majesty the Queen in Council; and the sittings of the Exchequer judges shall be regulated with the like approval.

(4.) All legal proceedings in Ireland, which are instituted at the instance of or against the Treasury or Commissioners of customs, or any of their officers, or relate to the election of members to serve in Parliament, or touch any matter not within

A.D. 1893. — the powers of the Irish Legislature, or touch any matter affected by a law which the Irish Legislature have not power to repeal or alter, shall, if so required by any party to such proceedings, be heard and determined before the Exchequer judges or (except where the case requires to be determined by two judges) before one of them, and in any such legal proceeding an appeal shall, if any party so requires, lie from any court of first instance in Ireland to the Exchequer judges, and the decision of the Exchequer judges shall be subject to appeal to Her Majesty the Queen in Council and not to any other tribunal.

(5.) If it is made to appear to an Exchequer judge that any decree or judgment in any such proceeding as aforesaid has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judge shall appoint some officer whose duty it shall be to enforce that judgment or decree; and for that purpose such officer and all persons employed by him shall be entitled to the same privileges, immunities, and powers as are by law conferred on a sheriff and his officers.

(6.) The Exchequer judges, when not engaged in hearing and determining such legal proceedings as above in this section mentioned, shall perform such of the duties ordinarily performed by other judges of the Supreme Court in Ireland as may be assigned by Her Majesty the Queen in Council.

(7.) All sums recovered by the Treasury or the Commissioners of customs or any of their officers, or recovered under any Act relating to duties of customs, shall, notwithstanding anything in any other Act, be paid to such public account as the Treasury or the Commissioners direct.

Post Office Postal Telegraphs and Savings Banks.

Transfer of
post office
and postal
telegraphs.

20.—(1.) As from *the appointed day* the postal and telegraph service in Ireland shall be transferred to the Irish Government, and may be regulated by Irish Act, except as in this Act mentioned and except as regards matters relating—

- (a) to such conditions of the transmission or delivery of postal packets and telegrams as are incidental to the duties on postage; or
- (b) to foreign mails or submarine telegraphs or through lines in connection therewith; or
- (c) to any other postal or telegraphic business in connection with places out of the United Kingdom.

(2.) The administration of or incidental to the said excepted matters shall, save as may be otherwise arranged with the Irish Post Office remain with the Postmaster-General.

(3.) As regards the revenue and expenses of the postal and

telegraph service, the Postmaster-General shall retain the revenue collected and defray the expenses incurred in Great Britain, and the Irish Post Office shall retain the revenue collected and defray the expenses incurred in Ireland, subject to the provisions of the Fourth Schedule to this Act; which schedule shall have full effect, but may be varied or added to by agreement between the Postmaster-General and the Irish Post Office. A.D. 1893.

(4) *The sums payable by the Postmaster-General or Irish Post Office to the other of them in pursuance of this Act shall, if not paid out of Post Office moneys, be paid from the Exchequer of the United Kingdom or of Ireland, as the case requires, to the other Exchequer.*

(5.) Sections forty-eight to fifty-two of the Telegraph Act, 1863, and any enactment amending the same, shall apply to all telegraphic lines of the Irish Government in like manner as to the telegraphs of a company within the meaning of that Act. 26 & 27 Vict. c. 112.

21.—(1.) As from *the appointed day* there shall be transferred to the Irish Government the post office savings banks in Ireland and all such powers and duties of any department or officer in Great Britain as are connected with post office savings banks, trustee savings banks or friendly societies in Ireland, and the same may be regulated by Irish Act. Transfer of savings banks.

(2.) The Treasury shall publish not less than six months previous notice of the transfer of Savings Banks.

(3.) If before the date of the transfer any depositor in a Post Office Savings Bank so requests, his deposit shall, according to his request either be paid to him or transferred to a Post Office Savings Bank in Great Britain, and after the said date the depositors in a Post Office Savings Bank in Ireland shall cease to have any claim against the Postmaster-General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Government and Consolidated Fund of Ireland;

(4.) If before the date of the transfer the trustees of any trustee savings bank so request, then, according to the request, either all sums due to them shall be repaid and the savings bank closed, or those sums shall be paid to the Irish Government, and after the said date the trustees shall cease to have any claim against the National Debt Commissioners or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Government and Consolidated Fund of Ireland.

(5.) Notwithstanding the foregoing provisions of this section, if a sum due on account of any annuity or policy of insurance which has before the above-mentioned notice been granted through a Post Office or Trustee Savings Bank, is not paid by the Irish Government, that sum shall be paid out of the Exchequer of the United Kingdom.

A.D. 1893.

*Irish Appeals and Decision of Constitutional Questions.*Irish
appeals.

22.—(1.) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, such person shall have the like right to appeal to Her Majesty the Queen in Council; and the right so to appeal shall not be affected by any Irish Act; and all enactments relating to appeals to Her Majesty the Queen in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly.

39 & 40 Vict.
c. 59.

(2.) When the Judicial Committee sit for hearing appeals from a court in Ireland, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland.

(3.) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by Her Majesty in Council, and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy in such rota during the year may be filled by Order in Council.

(3.) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

Special
provision for
decision of
constitu-
tional
questions.

23.—(1.) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof is beyond the powers of the Irish Legislature, he may represent the same to Her Majesty in Council, and thereupon the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland.

(2.) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to Her Majesty being stated in open court.

(3.) Nothing in this Act shall prejudice any other power of Her Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition Her Majesty for such reference.

A.D. 1893.

Lord Lieutenant and Crown lands.

24.—(1.) Notwithstanding anything to the contrary in any Act, every subject of the Queen shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to his religious belief. Office of
Lord
Lieutenant.

(2.) The term of office of the Lord Lieutenant shall be *six years*, without prejudice to the power of Her Majesty the Queen at any time to revoke the appointment.

25. Her Majesty the Queen in Council may place under the control of the Irish Government, for the purposes of that Government, such of the lands and buildings in Ireland vested in or held in trust for Her Majesty, and subject to such conditions or restrictions (if any), as may seem expedient. Use of
Crown lands
by Irish
Govern-
ment.

Judges and Civil Servants.

26. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address from the two Houses of the Legislature of Ireland, nor during his continuance in office shall his salary be diminished or right to pension altered without his consent. Tenure of
future
judges.

27.—(1.) All existing judges of the Supreme Court, county court judges, and Land Commissioners in Ireland and all existing officers serving in Ireland in the permanent civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if they are removeable at present on address from both Houses of Parliament, continue to be removeable only upon such address, and if removeable in any other manner shall continue to be removeable only in the same manner as heretofore; and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore, or such duties as Her Majesty may declare to be analogous, and their salaries and pensions, if and so far as not paid out of the Irish Consolidated Fund, shall be paid out of the Exchequer of the United Kingdom: Provided that this section shall be subject to the provisions of this Act with respect to the Exchequer judges. As to exist-
ing judges
and other
persons
having
salaries
charged
on the Con-
solidated
Fund.

(2.) *If any of the said judges, commissioners, or officers retires from office with the Queen's approbation before completion of the period of service entitling him to a pension, Her Majesty may, if she thinks fit, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as to Her Majesty seems meet.*

A.D. 1893.

As to
persons
holding
civil service
appoint-
ments.

28.—(1.) All existing officers in the permanent civil service of the Crown, who are not above provided for, and are at the appointed day serving in Ireland, shall after that day continue to hold their offices by the same tenure and to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore or such duties as the Treasury may declare to be analogous; *and the said gratuities and pensions, and until three years after the passing of this Act, the salaries due to any of the said officers if remaining in his existing office, shall be paid to the payees by the Treasury out of the Exchequer of the United Kingdom.*

(2.) Any such officer may after *three years* from the passing of this Act retire from office, and shall, at any time during those three years, if required by the Irish Government, retire from office, and on any such retirement may be awarded by the Treasury a gratuity or pension in accordance with the Fifth Schedule to this Act; Provided that—

(a) six months written notice shall, unless it is otherwise agreed, be given either by the said officer or by the Irish Government as the case requires; and

(b) such number of officers only shall retire at one time and at such intervals of time as the Treasury, in communication with the Irish Government, sanction.

(3.) If any such officer does not so retire, the Treasury may award him after the said three years a pension in accordance with the Fifth Schedule to this Act which shall become payable to him on his ultimate retirement from the service of the Crown.

(4.) *The gratuities and pensions awarded in accordance with the Fifth Schedule to this Act shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.*

(5.) All sums paid out of the Exchequer of the United Kingdom in pursuance of this section shall be repaid to that Exchequer from the Irish Exchequer.

(6.) This section shall not apply to officers retained in the service of the Government of the United Kingdom.

As to
existing
pensions
and super-
annuation
allowances.

29. Any existing pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or as an officer in the permanent civil service of the Crown other than in an office the holder of which is after the appointed day retained in the service of the Government of

the United Kingdom, shall be charged on the Irish Consolidated Fund, and if and so far as not paid out of that fund, shall be paid out of the Exchequer of the United Kingdom. A.D. 1893.

Police.

30.—(1.) The forces of the Royal Irish Constabulary and Dublin Metropolitan Police shall, when and as local police forces are from time to time established in Ireland in accordance with the Sixth Schedule to this Act, be gradually reduced and ultimately cease to exist as mentioned in that Schedule ; and after the passing of this Act, no officer or man shall be appointed to either of those forces ; As to Police.

Provided that until the expiration of *six* years from the appointed day, nothing in this Act shall require the Lord Lieutenant to cause either of the said forces to cease to exist, if as representing Her Majesty the Queen he considers it inexpedient.

(2.) The said two forces shall, while they continue, be subject to the control of the Lord Lieutenant as representing Her Majesty, and the members thereof shall continue to receive the same salaries, gratuities, and pensions, and hold their appointments on the same tenure as heretofore, *and those salaries gratuities, and pensions, and all the expenditure incidental to either force, shall be paid out of the Exchequer of the United Kingdom.*

(3.) When any existing member of either force retires under the provisions of the Sixth Schedule to this Act, the Treasury may award to him a gratuity or pension in accordance with that Schedule.

(4.) *Those gratuities and pensions and all existing pensions payable in respect of service in either force, shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.*

(5.) *Two-thirds of the net amount payable in pursuance of this section out of the Exchequer of the United Kingdom shall be repaid to that Exchequer from the Irish Exchequer.*

Miscellaneous.

31. Save as may be otherwise provided by Irish Act,—

- (a) The existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Ireland, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor General; and
- (b) The Accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, Irish Exchequer Consolidated Fund and Audit.
29 & 30 Vict.
c. 39.

A.D. 1993.

Law applicable to both Houses of Irish Legislature.

32.—(1.) Subject as in this Act mentioned and particularly to the Seventh Schedule to this Act (which Schedule shall have full effect) all existing election laws relating to the House of Commons and the members thereof shall, so far as applicable, extend to each of the two Houses of the Irish Legislature and the members thereof, but such election laws so far as hereby extended may be altered by Irish Act.

(2.) The privileges, rights, and immunities to be held and enjoyed by each House and the members thereof shall be such as may be defined by Irish Act, but so that the same shall never exceed those for the time being held and enjoyed by the House of Commons, and the members thereof.

Supplemental provisions as to powers of Irish Legislature.

33.—(1.) The Irish Legislature may repeal or alter any provision of this Act which is by this Act expressly made alterable by that Legislature, and also any enactments in force in Ireland, except such as either relate to matters beyond the powers of the Irish Legislature, or being enacted by Parliament after the passing of this Act may be expressly extended to Ireland. An Irish Act, notwithstanding it is in any respect repugnant to any enactment excepted as aforesaid, shall, though read subject to that enactment, be, except to the extent of that repugnancy, valid.

(2.) An order, rule, or regulation, made in pursuance of, or having the force of, an Act of Parliament, shall be deemed to be an enactment within the meaning of this section.

(3.) Nothing in this Act shall affect Bills relating to the divorce or marriage of individuals, and any such Bill shall be introduced and proceed in Parliament in like manner as if this Act had not passed.

Limitation on borrowing by local authorities.

34. The local authority for any county or borough or other area shall not borrow money without either—

(a) special authority from the Irish Legislature, or

(b) the sanction of the proper department of the Irish Government ;

and shall not, without such special authority, borrow ;

(i) in the case of a municipal borough or town or area less than a county, any loan which together with the then outstanding debt of the local authority, will exceed twice the annual rateable value of the property in the municipal borough, town, or area ; or

(ii) in the case of a county or larger area, any loan which together with the then outstanding debt of the local authority, will exceed one-tenth of the annual rateable value of the property in the county or area ; or

- (iii) in any case a loan exceeding one-half of the above limits without a local inquiry held in the county, borough, or area by a person appointed for the purpose by the said department. A.D. 1893.

Transitory Provisions.

35.—(1.) During *three* years from the passing of this Act, and if Parliament is then sitting until the end of that session of Parliament, the Irish Legislature shall not pass an Act respecting the relations of landlord and tenant, or the sale, purchase, or letting of land generally: Provided that nothing in this section shall prevent the passing of any Irish Act with a view to the purchase of land for railways, harbours, waterworks, town improvements, or other local undertakings. Temporary restriction on powers of Irish Legislature and Executive.

(2.) During *six* years from the passing of this Act, the appointment of a judge of the Supreme Court or other superior court in Ireland (other than one of the Exchequer judges) shall be made in pursuance of a warrant from Her Majesty countersigned as heretofore.

36.—(1.) Subject to the provisions of this Act Her Majesty the Queen in Council may make or direct such arrangements as seem necessary or proper for setting in motion the Irish Legislature and Government and for otherwise bringing this Act into operation. Transitory provisions.

(2.) The Irish Legislature shall be summoned to meet on the *first Tuesday in September, one thousand eight hundred and ninety-four*, and the first election of members of the two Houses of the Irish Legislature shall be held at such time before that day, as may be fixed by Her Majesty in Council.

(3.) Upon the first meeting of the Irish Legislature the members of the House of Commons then sitting for Irish constituencies, including the members for Dublin University, shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in Parliament for the constituencies named in the Second Schedule of this Act.

(4.) The existing Chief Baron of the Exchequer, and the senior of the existing puisne judges of the Exchequer Division of the Supreme Court, or if they or either of them are or is dead or unable or unwilling to act, such other of the judges of the Supreme Court as Her Majesty may appoint shall be the first Exchequer judges.

(5.) Where it appears to Her Majesty the Queen in Council, before the expiration of *one year* after the appointed day, that

A.D. 1893. any existing enactment respecting matters within the powers of the Irish Legislature requires adaptation to Ireland, whether—

(a) by the substitution of the Lord Lieutenant in Council, or of any department or officer of the executive Government in Ireland, for Her Majesty in Council, a Secretary of State, the Treasury, the Postmaster-General, the Board of Inland Revenue, or other public department or officer in Great Britain; or

(b) by the substitution of the Irish Consolidated Fund or moneys provided by the Irish Legislature for the Consolidated Fund of the United Kingdom, or moneys provided by Parliament; or :

(c) by the substitution of confirmation by, or other act to be done by or to, the Irish Legislature for confirmation by or other act to be done by or to Parliament; or

(d) by any other adaptation ;

Her Majesty, by Order in Council, may make that adaptation.

(6.) Her Majesty the Queen in Council may provide for the transfer of such property, rights, and liabilities, and the doing of such other things as may appear to Her Majesty necessary or proper for carrying into effect this Act or any Order in Council under this Act.

(7.) An Order in Council under this section may make an adaptation or provide for a transfer either unconditionally or subject to such exceptions, conditions, and restrictions as may seem expedient.

(8.) The draft of every Order in Council under this section shall be laid before both Houses of Parliament for not less than two months before it is made, and such Order when made shall, subject as respects Ireland to the provisions of an Irish Act, have full effect, but shall not interfere with the continued application to any place, authority, person, or thing, not in Ireland, of the enactment to which the Order relates.

Continu-
ance of
existing
laws, courts,
officers, &c.

37.—Except as otherwise provided by this Act, all existing laws, institutions, authorities, and officers in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland shall continue as if this Act had not passed, but with the modifications necessary for adapting the same to this Act, and subject to be repealed, abolished, altered, and adapted in the manner and to the extent authorised by this Act.

Appointed
day.

38. Subject as in this Act mentioned the appointed day for the purposes of this Act shall be the day of the first meeting of the Irish Legislature, or such other day not more than *seven* months earlier or later as may be fixed by order of Her Majesty

in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections. A.D. 1893.

39. In this Act unless the context otherwise requires—

Definitions.

The expression “existing” means existing at the passing of this Act.

The expression “constituency” means a parliamentary constituency or a county or borough returning a member or members to serve in either House of the Irish Legislature, as the case requires, and the expression “parliamentary constituency” means any county, borough, or university returning a member or members to serve in Parliament.

The expression “parliamentary elector” means a person entitled to be registered as a voter at a parliamentary election.

The expression “parliamentary election” means the election of a member to serve in Parliament.

The expression “tax” includes duties and fees, and the expression “duties of excise” does not include license duties.

The expression “foreign mails” means all postal packets, whether letters, parcels, or other packets, posted in the United Kingdom and sent to a place out of the United Kingdom, or posted in a place out of the United Kingdom and sent to a place in the United Kingdom, or in transit through the United Kingdom to a place out of the United Kingdom.

The expression “telegraphic line” has the same meaning as in the Telegraph Acts, 1863 to 1892.

The expression “duties on postage” includes all rates and sums chargeable for or in respect of postal packets, money orders, or telegrams, or otherwise under the Post Office Acts or the Telegraph Act, 1892.

The expression “Irish Act” means a law made by the Irish Legislature.

The expression “election laws” means the laws relating to the election of members to serve in Parliament, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the disqualification of members and the vacating of seats.

The expression “rateable value” means the annual rateable value under the Irish Valuation Acts.

The expression “salary” includes remuneration, allowances, and emoluments.

The expression “pension” includes superannuation allowance.

26 & 27 Vict.
c. 112.
41 & 42 Vict.
c. 76.
55 & 56 Vict.
c. 59.
7 Will. 4
and 1 Vict.
c. 36.
32 & 33 Vict.
c. 73.
48 & 49 Vict.
c. 58.

40. This Act may be cited as the Irish Government Act, 1893. Short title.

A.D. 1893.

SCHEDULES.

FIRST SCHEDULE.

LEGISLATIVE COUNCIL.

CONSTITUENCIES AND NUMBER OF COUNCILLORS.

Constituencies.	Councillors.
Antrim county	Three.
Armagh county	One.
Belfast borough	Two.
Carlow county	One.
Cavan county	One.
Clare county	One.
Cork county—	
East Riding	Three.
West Riding	One.
Cork borough	One.
Donegal county	One.
Down county	Three.
Dublin county	Three.
Dublin borough	Two.
Fermanagh county	One.
Galway county	Two.
Kerry county	One.
Kildare county	One.
Kilkenny county	One.
King's county	One.
Leitrim and Sligo counties	One.
Limerick county	Two.
Londonderry county	One.
Longford county	One.
Louth county	One.
Mayo county	One.
Meath county	One.
Monaghan county	One.
Queen's county	One.
Roscommon county	One.
Tipperary county	Two.
Tyrone county	One.
Waterford county	One.
Westmeath county	One.
Wexford county	One.
Wicklow county	One.
	Forty-eight.

The expression "borough" in this Schedule means an existing parliamentary borough. Counties of cities and towns not named in this Schedule shall be combined with the county at large in which they are included for parliamentary elections, and if not so included, then with the county at large bearing the same name.

A borough named in this Schedule shall not for the purposes of this Schedule form part of any other constituency.

SECOND SCHEDULE.

A.D. 1893.

IRISH MEMBERS IN THE HOUSE OF COMMONS.

Constituency.	Number of Members for House of Commons.
Antrim county	Three.
Armagh county	Two.
Belfast borough (in divisions as mentioned below) ..	Four.
Carlow county	One.
Cavan county	Two.
Clare county	Two.
Cork county (in divisions as mentioned below) ..	Five.
Cork borough	Two.
Donegal county	Three.
Down county	Three.
Dublin county	Two.
Dublin borough (in divisions as mentioned below) ..	Four.
Fermanagh county	One.
Galway county	Three.
Galway borough	One.
Kerry county	Three.
Kildare county	One.
Kilkenny county	One.
Kilkenny borough	One.
King's county	One.
Leitrim county	Two.
Limerick county	Two.
Limerick borough	One.
Londonderry county	Two.
Londonderry borough	One.
Longford county	One.
Louth county	One.
Mayo county	Three.
Meath county	Two.
Monaghan county	Two.
Newry borough	One.
Queen's county	One.
Roscommon county	Two.
Sligo county	Two.
Tipperary county	Three.
Tyrone county	Three.
Waterford county	One.
Waterford borough	One.
Westmeath county	One.
Wexford county	Two.
Wicklow county	One.
Eighty.	

(1.) In this Schedule the expression "borough" means an existing parliamentary borough.

(2.) In the parliamentary boroughs of Belfast and Dublin, one member shall be returned by each of the existing parliamentary divisions of those boroughs, and the law relating to the divisions of boroughs shall apply accordingly.

(3.) The county of Cork shall be divided into two divisions, consisting of the East Riding and the West Riding, and three members shall be elected by the East Riding, and two members shall be elected by the West Riding; and the law relating to divisions of counties shall apply to those divisions.

A.D. 1893.

THIRD SCHEDULE.

FINANCE.

IMPERIAL LIABILITIES, EXPENDITURE, AND MISCELLANEOUS REVENUE.

Liabilities.

For the purpose of this Act, "Imperial liabilities" consist of—

- (1.) The funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt, and inclusive of the cost of the management of the said funded and unfunded debt, but exclusive of the Local Loans stock and Guaranteed Land stock and the cost of the management thereof; and
- (2.) All other charges on the Consolidated Fund of the United Kingdom for the repayment of borrowed money, or to fulfill a guarantee.

Expenditure.

For the purpose of this Act Imperial expenditure consists of expenditure for the following services :—

- I. Naval and Military expenditure (including Greenwich Hospital).
- II. Civil expenditure, that is to say,—
 - (a.) Civil list and Royal Family.
 - (b.) Salaries, pensions, allowances, and incidental expenses of—
 - (i.) Lord Lieutenant of Ireland ;
 - (ii.) Exchequer judges in Ireland.
 - (c.) Buildings, works, salaries, pensions, printing, stationery, allowances, and incidental expenses of—
 - (i.) Parliament ;
 - (ii.) National Debt Commissioners ;
 - (iii.) Foreign Office and diplomatic and consular service, including secret service, special services, and telegraph subsidies ;
 - (iv.) Colonial Office, including special services and telegraph subsidies ;
 - (v.) Privy Council ;
 - (vi.) Board of Trade including the Mercantile Marine Fund, Patent Office, Railway Commission, and Wreck Commission but excluding Bankruptcy ;
 - (vii.) Mint ;
 - (viii.) Meteorological Society ;
 - (ix.) Slave trade service.
 - (d.) Foreign mails and telegraphic communication with places outside the United Kingdom.

Revenue.

For the purposes of this Act the public revenue to a portion of which Ireland may claim to be entitled consists of revenue from the following sources :—

1. Suez Canal shares or payments on account thereof.
2. Loans and advances to foreign countries.
3. Annual payments by British possessions.
4. Fecs, stamps, and extra receipts received by departments, the expenses of which are part of the Imperial expenditure.
5. Small branches of the hereditary revenues of the Crown.
6. Foreshores.

FOURTH SCHEDULE.

A.D. 1893.

PROVISIONS AS TO POST OFFICE.

(1.) The Postmaster-General shall pay to the Irish Post Office in respect of any foreign mails sent through Ireland and the Irish Post Office shall pay to the Postmaster-General in respect of any foreign mails sent through Great Britain, such sum as may be agreed upon for the carriage of those mails in Ireland or Great Britain as the case may be.

(2.) The Irish Post Office shall pay to the Postmaster-General;

(i.) One half of the expense of the packet service and submarine telegraph lines between Great Britain and Ireland after deducting from that expense the sum fixed by the Postmaster-General as incurred on account of foreign mails or telegraphic communication with a place out of the United Kingdom as the case may be; and

(ii.) Five per cent of the expenses of the conveyance outside the United Kingdom of foreign mails, and of the transmission of telegrams to places outside the United Kingdom; and

(iii.) Such proportion of the receipts for telegrams to places out of the United Kingdom as is due in respect of the transmission outside the United Kingdom of such telegrams

(3.) The Postmaster-General and the Irish Post Office respectively shall pay to the other of them on account of foreign money orders, of compensation in respect of postal packets, and of any matters not specifically provided for in this Schedule such sums as may be agreed upon.

(4.) Of the existing debt incurred in respect of telegraphs, a sum of five hundred and fifty thousand pounds two and three quarters per cent Consolidated Stock shall be treated as debt of the Irish Post Office, and for paying the dividends on and redeeming such stock there shall be paid half yearly by the Irish Exchequer to the Exchequer of the United Kingdom an annuity of *eighteen* thousand pounds for *sixty* years, and such annuity when paid into the Exchequer shall be forthwith paid to the National Debt Commissioners and applied for the reduction of the National Debt.

(5.) The Postmaster-General and the Irish Post Office may agree on the facilities to be afforded by the Irish Post Office in Ireland in relation to any matters the administration of which by virtue of this Act remains with the Postmaster-General, and with respect to the use of the Irish telegraphic lines for through lines in connection with submarine telegraphs, or with telegraphic communication with any place out of the United Kingdom.

FIFTH SCHEDULE.

REGULATIONS AS TO GRATUITIES AND PENSIONS FOR CIVIL SERVANTS.

A.D. 1893.

SIXTH SCHEDULE.

PART I.

REGULATIONS AS TO ESTABLISHMENT OF POLICE FORCES AND AS TO THE
ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE
CEASING TO EXIST.

(1.) Such local police forces shall be established under such local authorities and for such counties, municipal boroughs, or other larger areas, as may be provided by Irish Act.

(2.) Whenever the Executive Committee of the Privy Council in Ireland certify to the Lord Lieutenant that a police force adequate for local purposes, has been established in any area, then, subject to the provisions of this Act, he shall within six months thereafter direct the Royal Irish Constabulary to be withdrawn from the performance of regular police duties in such area, and such order shall be forthwith carried into effect.

(3.) Upon any such withdrawal the Lord Lieutenant shall order measures to be taken for a proportionate reduction of the numbers of the Royal Irish Constabulary, and such order shall be duly executed.

(4.) Upon the Executive Committee of the Privy Council in Ireland certifying to the Lord Lieutenant that adequate local police forces have been established in every part of Ireland, then, subject to the provisions of this Act, the Lord Lieutenant shall within six months after such certificate, order measures to be taken for causing the whole of the Royal Irish Constabulary to cease to exist as a police force, and such order shall be duly executed.

(5.) Where the area in which a local police force is established is part of the Dublin Metropolitan Police District, the foregoing regulations shall apply to the Dublin Metropolitan Police in like manner as if that force were the Royal Irish Constabulary.

PART II.

REGULATIONS AS TO GRATUITIES AND PENSIONS FOR THE ROYAL IRISH
CONSTABULARY AND DUBLIN METROPOLITAN POLICE.

SEVENTH SCHEDULE.

REGULATIONS AS TO HOUSES OF THE LEGISLATURE AND THE
MEMBERS THEREOF.*Legislative Council.*

(1.) There shall be a separate register of electors of councillors of the Legislative Council which shall be made, until otherwise provided by Irish Act, in like manner as the parliamentary register of electors.

(2.) Where, for the election of councillors any counties are combined so as to form one constituency, then until otherwise provided by Irish Act, — A.D. 1893.

- (a) the returning officer for the whole constituency shall be that one of the returning officers for Parliamentary elections for those counties to whom the writ is addressed, and the writ shall be addressed to the returning officer for the constituency with the largest population, according to the census of 1891.
- (b) the returning officer shall have the same authority throughout the whole constituency as a returning officer at a Parliamentary election for a county has in the county.
- (c) the registers of electors of each county shall jointly be the register of electors for the constituency.
- (d) for the purposes of this Schedule "county" includes a county of a city or town, and this Schedule, and the law relating to the qualification of electors shall apply, as if the county of a city or town formed part of the county at large with which it is combined, and the qualification in the county of a city or town shall be the same as in such county at large.

(3.) Writs shall be issued for the election of councillors at such time not less than one nor more than three months before the day for the periodical retirement of councillors as the Lord Lieutenant in Council may fix.

(4.) The day for the periodical retirement of councillors shall until otherwise provided by Irish Act be the last day of August in every fourth year.

(5.) For the purposes of such retirement, the constituencies shall be divided into two equal divisions, and the constituencies in each province shall be divided as nearly as may be equally between those divisions, and constituencies returning two or more members shall be treated as two or more constituencies, and placed in both divisions.

(6.) Subject as aforesaid, the particular constituencies which are to be in each division shall be determined by lot.

(7.) The said division and lot shall be made and conducted before the appointed day in manner directed by the Lord Lieutenant in Council.

(8.) The first councillors elected for the constituencies in the first division shall retire on the first day of retirement which occurs after the first meeting of the Irish Legislature, and the first councillors for the constituencies in the second division shall retire on the second day of retirement after that meeting.

(9.) Any casual vacancy among the councillors shall be filled by a new election, but the councillor filling the vacancy shall retire at the time at which the vacating councillor would have retired.

Legislative Assembly.

(10.) The Parliamentary register of electors for the time being shall, until otherwise provided by Irish Act, be the register of electors of the Legislative Assembly.

Both Houses.

(11.) Until otherwise provided by Irish Act, the Lord Lieutenant in Council may make regulations for adapting the existing election laws to the election of members of the two Houses of the Legislature.

(12.) Annual sessions of the Legislature shall be held.

(13.) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland shall be qualified to be a member of either House.

(14.) A member of either House may by writing under his hand resign his seat, and the same shall thereupon be vacant.

(15.) The same person shall not be a member of both Houses.

A.D. 1893. (16.) Until otherwise provided by Irish Act, if the same person is elected to a seat in each House, he shall, before the eighth day after the next sitting of either House, by written notice, elect in which House he will serve, and upon such election his seat in the other House shall be vacant, and if he does not so elect, his seat in both Houses shall be vacant.

(17.) Until otherwise provided by Irish Act, any such notice electing in which House a person will sit, or any notice of resignation, shall be given in manner directed by the Standing Orders of the Houses, and if there is no such direction, shall be given to the Lord Lieutenant.

(18.) The powers of either House shall not be affected by any vacancy therein, or any defect in the election or qualification of any member thereof.

(19.) Until otherwise provided by Irish Act the holders of such Irish offices as may be named by Order of the Queen in Council before the appointed day, shall be entitled to be elected to and sit in either House notwithstanding that they hold offices under the Crown, but on acceptance of any such office the seat of any such person in either House shall be vacated unless he has accepted the office in succession to some other of the said offices.

(20.) The Lord Lieutenant in Council may, before the appointed day make regulations for the following purposes:—

- (a.) The making of a register of electors of councillors in time for the election of the first councillors, and with that object for the variation of the days relating to registration in the existing election laws, and for prescribing the duties of officers, and for making such adaptations of those laws as appear necessary or proper for duly making a register ;
- (b.) The summoning of the two Houses of the Legislature of Ireland, the issue of writs and any other things appearing to be necessary or proper for the election of members of the two Houses ;
- (c.) The election of a chairman (whether called Speaker, President, or by any other name,) of each House, the quorum of each House, the communications between the two Houses, and such adaptation to the proceedings of the two Houses of the procedure of Parliament, as appears expedient for facilitating the conduct of business by those Houses on their first meeting ;
- (d.) The adaptation to the two Houses and the members thereof of any laws and customs relating to the House of Commons or the members thereof ;
- (e.) The deliberation and voting together of the two Houses in cases provided by this Act.

(21.) The regulations may be altered by Irish Act, and also in so far as they concern the procedure of either House alone, by Standing Orders of that House, but shall, until altered, have effect as if enacted in this Act.

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